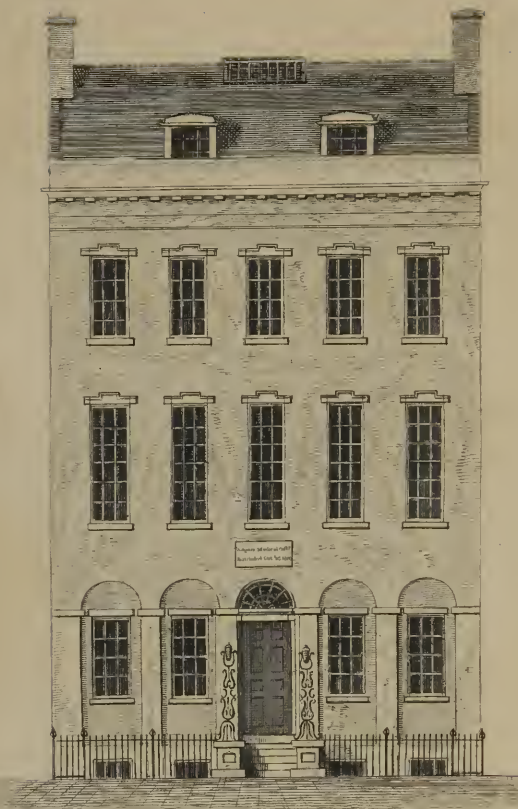


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RUTGERS MEDICAL COLLEGE.

INSTITUTED OCT^R 26TH 1826.

Hosack's Discourses

446

AN

INAUGURAL DISCOURSE,

DELIVERED AT THE OPENING OF

RUTGERS MEDICAL COLLEGE,

IN THE

CITY OF NEW-YORK,

ON

Monday, the 6th day of November, 1826.

By **DAVID HOSACK,**^s M.D. F.R.S.

President of the Medical Faculty of Rutgers College, Professor of the Institutes, Practice of Physic and Clinical Medicine, &c.

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RUTGERS COLLEGE.

FACULTY OF ARTS.

The REV. PHILIP MILLEDOLER, D. D.

President of the College, and Professor of Moral Philosophy, and the Evidences of Christianity.

The REV. JOHN DE WITT, D. D.

Professor of Belles Lettres, Elements of Criticism and Logic.

The REV. JAMES S. CANNON, D. D.

Professor of Metaphysics, and Philosophy of the Human Mind.

ROBERT ADRAIN, LL. D.

Professor of Mathematics and Natural Philosophy.

JOSEPH NELSON, LL. D.

Professor of Languages.

The REV. ——— MILLIGAN,

Rector of the Grammar School attached to the College.

FACULTY OF MEDICINE.

DAVID HOSACK, M. D. F. R. S.

President of the Medical Faculty, and Professor of the Institutes, Practice of Physic and Clinical Medicine.

SAMUEL L. MITCHILL, M. D. LL. D.

Vice-President.

WILLIAM JAMES MACNEVEN, M. D.

Professor of Therapeutics and Materia Medica.

VALENTINE MOTT, M. D.

Professor of Surgery.

JOHN W. FRANCIS, M. D.

Professor of Obstetrics and Forensic Medicine.

JOHN D. GODMAN, M. D.

Professor of Anatomy and Physiology.

JOHN GRISCOM, LL. D.

Professor of Chemistry.

PETER S. TOWNSEND, M. D.

Registrar of the Medical Faculty.

At a numerous Meeting of the Students of Medicine, held in the Hall of the New College, in Duane-street, this day, James B. M'Gill was called to the chair, and Alwyn Bogart appointed Secretary. The object of the Meeting being stated, viz. to express the sense of the Medical Students, on the propriety of supporting this new College, a committee of three was appointed by the Chair, consisting of Messrs. Burnham, Ogden, and Borrowe, who submitted the following resolutions, which were unanimously adopted.

Resolved, That we have listened with deep interest and peculiar satisfaction to the learned and eloquent Discourse of the President of the Medical Faculty of Rutgers College, and that the sentiments therein expressed meet with our entire concurrence.

Resolved, That the public-spirited and patriotic exertions of the Professors of Rutgers Medical College, erecting at their own expense, and upon their own responsibility, this beautiful and convenient edifice, for the accommodation of students attending this school, demand the expression of our gratitude, and receive our highest approbation.

Resolved, That we have the utmost confidence in the integrity, abilities, and learning of the Professors of this Institution.

Resolved, That the organization of this new Institution, unfettered by discordant controlling powers, is, in our estimation, calculated to extend the means of medical education, and to advance the honor and respectability of the profession.

Resolved, That we avail ourselves of this occasion to express our grateful acknowledgments to the learned President and enlightened Trustees of Rutgers College, New-Brunswick, for the opportunity they have afforded us of still profiting by the experience and learning of the able Professors they have selected as their medical faculty.

Resolved, That the thanks of the meeting be presented to Dr. Hosack for his able Address, and that a committee be appointed to request a copy for publication, and that Messrs. Van Zandt, Vroome, Wood, Morton, and St. John compose such committee.

Resolved, That the proceedings of this Meeting be signed by the Chairman and Secretary, and published in the daily papers.

JAMES B. M'GILL, *Chairman*.

ALWYN BOGART, *Secretary*.

New-York, November 7, 1826.



To DAVID HOSACK, M. D. *President of the Medical Faculty of
Rutgers College.*

SIR,

As a Committee of the Students of Rutgers Medical College, we have the honor of enclosing to you their unanimous resolves, that a copy of your introductory Address, pronounced on the 7th instant, be requested for publication.

The incontestable evidences of gratification evinced by the very numerous and highly respectable audience who listened to you, and the satisfaction that we ourselves experienced, impel us to urge that you will not hesitate to grant us the privilege of extending by means of the press, that pleasure to all such as by reason of the throng were precluded from its enjoyment.

P. D. VROOM,
V. ST. JOHN,
JAS. M. WOOD,
H. MORTON,
CHAS. VAN ZANDT.

New-York, November 10, 1826.

To P. D. VROOM, V. ST. JOHN, JAS. M. WOOD, H. MORTON, and
CHARLES VAN ZANDT, *Committee of the Students of Rutgers
College.*

GENTLEMEN,

As the subject of the Discourse, of which you have requested a copy for publication, is one of deep interest, not only as it relates to the condition of medical education in the city and state of New-York, but as it regards the progress of medical science throughout the Union, I comply with your request, with the hope that the facts which this Address contains, may receive the dispassionate consideration of the profession, and of the constituted authorities of the state who may have cognizance of the subject to which they relate.

I beg you, Gentlemen, to accept for yourselves my grateful acknowledgments for the kind and flattering manner in which you have communicated the Resolutions of the students whom you represent.

I am, Gentlemen,

Respectfully yours,

DAVID HOSACK.

New-York, November 10, 1826.

INAUGURAL DISCOURSE.

FELLOW-CITIZENS AND STUDENTS OF MEDICINE,

WE are assembled on this occasion to dedicate a new Temple to Medical Science. Having dissolved our connexion with another institution, we have undertaken to establish a new foundation, under circumstances, we trust, more favourable to a successful cultivation of medical studies, than we have heretofore enjoyed.

Now, no longer under the restraints of rivals in the profession, envious of our prosperity ; no longer impeded in our progress by a board of control ; but happily left to our own judgment and experience, to direct us how far, and in what manner, we can best offer instruction in the branches of science, to which we have devoted the labour of our lives, we are met to institute a School of Medicine, where our youth may be instructed in the principles and practice

of the healing art, and, when qualified, may receive, without impediment, the appropriate evidences of their abilities and attainments, and those professional honours to which they are entitled.

In the constitution of this establishment, it is also proposed, as the result of long experience and observation, and as conformable to the usage of the most distinguished medical schools of our country, that the professors of the different departments, who are necessarily, from their functions, the most competent to estimate the merit of their pupils, and who are the persons most deeply interested in the preservation, the improvement, and reputation of the institution, shall be the exclusive judges to ascertain and decide upon the qualifications of the candidates for medical honours; and that it shall be the duty of such board of professors, to designate those who may be found worthy, and to refuse admission to those who are ignorant of their profession, and consequently undeserving public confidence.

But, it will be asked, does not the present Medical School already chartered by the Re-

gents of the University, endowed and supported by the liberality of the state, contain in its organization the provisions referred to? and the security to society that none are admitted to the honours, or to the practice of that important profession, but those who are duly qualified? Truth compels me to declare, that the charter of that institution, with all the modifications it has undergone, is still defective in those provisions, and that by the powers possessed by the regents, and those vested in the board of trustees, as they have been lately exercised, the community, as will shortly appear, is deprived of that confidence in the skill and abilities of the graduates of that school, which the university of this state should ever insure, and which, in the earlier years of its establishment, it fully enjoyed.

Experience, painful experience, has taught us the necessity, as well as the expediency, of the measures we propose to adopt in the institution now to be dedicated to medical instruction. The same experience has taught us the evils that have arisen, from the control that has hitherto been exercised, both by the regents of the uni-

versity, and by the board of trustees, over the former professors of the College of Physicians and Surgeons, and which is still continued as a legacy to their successors.

The evils to which we refer, and of which we complain, in the charter of the College of Physicians and Surgeons, and which have led to the feuds and dissensions that have distracted and dishonoured that institution, and have induced the late professors to withdraw from that establishment, and to organize a new school, arise from the controlling and conflicting powers exercised over the professors, by the regents of the university on the one hand, and by another and separate board of trustees, appointed at the pleasure of the regents.

The difficulty of serving two masters was never more painfully experienced, than by the late board of professors, under the anomalous government exercised by the regents, and the undue influence and control usurped by the trustees of the college.

To the former we object, that the regents from their residence at the seat of government, their

great distance from the city of New-York, the different nature of their pursuits, their unceasing occupation in the offices of state, which the majority of them hold, and other circumstances which might be enumerated, disqualify them from entering into the details of the government of a college one hundred and fifty miles distant, and thereby render them incompetent to pronounce upon the qualifications of candidates soliciting medical honours, and who have never fallen under their cognizance.

In like manner, we equally protest against the interested supervision and controlling power, exercised as it has recently been, by a board of trustees, composed exclusively of physicians. Practitioners of medicine, having the passions common to men, with or without the competent knowledge or abilities to perform the duties of the station to which they aspire, are naturally ambitious to attain the same places, privileges, emoluments, and honours enjoyed by the professors. It is impossible, therefore, that under the influence of that ambition, the board of trustees can be dispassionate and impartial judges of the medical attainments and qualifications of the

pupils of their supposed rivals, the professors,—they cannot become passive spectators, and witness the pecuniary prosperity, the reputation and emoluments of the professors, without the desire of participating in those honours and those emoluments. It is inconsistent with the natural desires of the human heart that it should be otherwise.

The committee, of which Lieutenant Governor Tallmadge was chairman, appointed by the regents to visit the College of Physicians and Surgeons, for the purpose of investigating the controversy between the trustees and professors, very early perceived this to be the true source of that controversy; they accordingly remark, in their able report on this subject, “in this rivalry in medical science may be traced some of those latent causes from which may have proceeded those contentions and feuds, which have hitherto attended the progress of this college, and which but too evidently yet exist between the professors and trustees.*”

* See Report, p. 6.

But you shall soon see, gentlemen, that these causes are no longer *latent*, as the committee are pleased to denominate them—they are manifest as the day—they shall be disclosed before we part.

A retrospect of the progress of medical education—a sketch of the medical schools of New-York, and the circumstances which have ultimately induced the late professors of the College of Physicians and Surgeons to dissolve their connection with that institution, and to prosecute their labours under new and, it is hoped, more favourable auspices,—I trust will at this time not be out of place, or uninteresting to those who feel a regard for the education of youth, or for the honour and interest of our city and state.

Our country in general was originally settled by emigrants from an enlightened nation, who brought with them an inextinguishable ardour for learning, and great zeal for its promotion. But, in our own State, commerce was the more immediate cause and occasion of its settlement: this, added to the diversity of language of the various settlers, greatly marred and impeded the

progress of letters that otherwise might have been expected. Years passed away without any public provision being made for the purposes of education, until the year 1756, when the liberality of the mother country endowed King's, now Columbia College, in this city.

Since that auspicious event, a slow but gradual increase in attachment to science and literature has been manifested among us ; and, under the protecting care of enlightened counsels, cannot fail to extend itself throughout our land.

By the introduction of common schools, our people are furnished with every means of improvement in all the subordinate branches of knowledge ; and the success which has attended the attempt, is alike honourable to the wisdom which projected this measure, and the good sense which availed itself of the blessings it afforded.

As it regards the profession to which we belong, we find even at an early period of the last century, many distinguished physicians among us, either natives of the country, or emigrants with the first colonists. Of those most conspicuous in the discharge of the active duties of practice

in the healing art, we may mention Dubois, Dupuy, Nicholl, Colden, Macgrath, Ogden, and the late Dr. John Bard, of this city. The first attempt, however, for the purpose of imparting medical instruction in this country, by the dissection of the human body, was made in the city of New-York as early as the year 1750, by two eminent medical men, Dr. John Bard and Dr. Peter Middleton. In 1756 the first course of lectures, professedly so, on anatomy and surgery, was delivered at Rhode Island, by Dr. Wm. Hunter, a Scotch physician, who had been educated at the University of Edinburgh, and the father of the distinguished senator in congress, from that state.

In 1768 a medical school was organized under the direction and government of the college of the province of New-York, then called King's College, and a board of professors appointed to teach the several branches of medical science. The instructors in this early school were Samuel Clossey, M.D. Professor of Anatomy; John Jones, Professor of Surgery; Peter Middleton, M.D. Professor of Physiology and Pathology; James Smith, M.D. Professor of Chemistry and Materia

Medica; John V. B. Tennent, M. D. Professor of Midwifery; and Samuel Bard, M. D. Professor of the Theory and Practice of Physic. On all these branches lectures were regularly given, and the degrees of Bachelor and Doctor of Medicine were conferred by the college. The Reverend Dr. Miller, in his valuable Retrospect of the Eighteenth Century remarks, that no degrees in medicine were conferred by this college, previous to the revolutionary war; but, in this instance, an error is committed by that eminent and usually accurate writer; for in 1769 the degree of Bachelor in Medicine was conferred upon Samuel Kissam and Robert Tucker. In 1770 the degree of Doctor of Medicine was conferred upon the last mentioned physician, and in May of the succeeding year the same degree was conferred upon the former.*

A copy of an Inaugural Dissertation on the Anthelmintic quality of the "*Phaseolus Zura-tensis, siliqua hirsuta*," or Cow Itch, for the medical doctorate in King's College, by Samuel Kissam, M. B. and published in May 1771, may

* See Appendix.

be seen in the library of the New-York Historical Society.

Dr. Sewall, in his excellent Introductory Lecture, delivered at the opening of the Medical School of Columbia College, District of Columbia, is also in error in his statement relative to the first medical degrees conferred in the colonies, now the United States. In the Discourse referred to, he dates the first medical degrees as conferred at the commencement held in Philadelphia, in June 1771*—whereas the doctorate had been previously conferred in the month of May, of the preceding year, in the city of New-York. The same error has been committed by Doctor Thacher, in the new edition of his *Modern Practice*, recently published.

I have on a former public occasion† observed, that at the commencement held in King's College, in 1769, a very important addition was made to the means of medical instruction in this city, in consequence of an Address delivered by the late Dr. Samuel Bard, in behalf of the establishment of the New-York Hospital.

* See Sewall's Discourse, 2nd edition, p. 36.

† See Medical Essays, Vol. i, p. 72.

“The necessity and usefulness of a public infirmary,” to use the language of Dr. Middleton, “were so warmly and pathetically set forth in that memorable discourse, that upon the same day on which it was delivered, a subscription was commenced by his Excellency Sir Henry Moore, then Governor of the province, and the sum of £800 sterling, collected for that establishment.” The institution of the Medical School of New-York, thus early organized, and embracing in itself talents of a high order in the several branches of science, was hailed as an occurrence auspicious to the most favourable results. But all these advantages were interrupted, and the labours of the professors after a few years, entirely suspended by the revolutionary war.

The return of peace, in 1783, brought no return of professors as a body to their former situations. Although the regents of the university attempted, in the following year, to revive the medical school by the appointment of professors, the gentlemen so appointed either did not perform the duties assigned them, or they did it in such an imperfect manner, that the institution

very soon terminated its short and feeble existence.

Medical instruction however, shortly after this period in New-York, was imparted by private teachers, the Faculty of Medicine, which had existed prior to the revolutionary war, not having yet been re-organized. Nevertheless, the pupils enjoyed opportunities of becoming well instructed in all the great practical branches of a medical education. At that time courses of lectures were delivered by Dr. Richard Bayley and Dr. Wright Post, upon anatomy and surgery; Dr. Nicholas Romaine lectured upon the practice of physic, materia medica, botany, and chemistry. Dr. Samuel Bard delivered an excellent practical course of instruction upon obstetrics and the diseases of women and children. At the same time too, the Alms House, then located in the city of New-York, was attended by Dr. Romaine, Dr. Benjamin Kissam, and by Dr. William Moore as physicians, and by Dr. Post as surgeon of the establishment.* Under their united care, this infirmary was rendered a profitable school of medicine and surgery, while the

* See Appendix.

sick received the benefits of physicians distinguished for their abilities and education, and by whom they were attended in rotation. The sick were visited daily at a stated hour—their cases were regularly recorded, and the prescriptions from day to day entered in a book kept for that purpose by the attending clerk, in the manner pursued in the infirmary of Edinburgh. Their cases were afterwards made the subject of clinical lectures, delivered by the physicians in attendance.

In 1788 and 1789 I attended those several courses of instruction, and the lectures delivered on the cases occurring in the Alms House, when the last mentioned gentlemen were in attendance, and who delivered a valuable course of clinical practice.

King's College, which at the close of the war received the name of Columbia College, having undergone an alteration in its government, the Hon. Wm. Samuel Johnson, LL. D. son of the first President, was appointed to preside over it. As a school of arts it had acquired a distinguished renown, and among its alumni during its colonial condition, it were easy to enumerate, as it re-

gards classical learning, many of the most accomplished scholars of the country. I need scarcely enumerate to this audience the names of Richard Harison, John Jay, Samuel Provost, Philip Livingston, and others.

The trustees of Columbia College now laudably attempted again to connect a medical school with their institution; thus forming, under one superintending care, two faculties, designated as a Faculty of Arts, and a Faculty of Medicine. The organization of the latter department was completed in 1792. I shall never forget the ardent feelings which I experienced when, in the month of August of that year, I conveyed the first account of the revival of a medical school in New-York, to my friend Dr. Duncan, of Edinburgh, and which was published by him in the volume of his Commentaries for that year. As several gentlemen of acknowledged worth and talents were thus enlisted, it was hoped that the celebrity which had been once possessed by that college as a school of physic, anterior to the revolution, would again characterize it as the seat of medical science. How far these anticipations were realized may be learned from the following statement of facts

which have been obtained from the records of that college. From the year 1792 to 1810-11, the total number of medical students attending the several courses was 823. During the whole of this period the highest number of students attending the lectures at any one session was 65, the lowest 21. The number of graduates who received the degree of Doctor of Medicine during all this time of 18 years, was 34! At five different seasons there was none—twice there was one—but at one term, and that only the first year after the college was organized, the number amounted to five.

During the same period of time the number of students attending the lectures at the medical school of Philadelphia varied each year from two hundred to four hundred. At the last year of Columbia College, in 1810, when the number of this establishment was 64, no less than 450 attended the medical school of Philadelphia, and of that number upwards of 60 received the degree of Doctor of Medicine. Such are the facts relative to the Medical Faculty which once had an existence in Columbia College.*

* See Appendix.

“In 1791, Jan. 11th, Dr. Nicholas Romaine presented a memorial to the regents, representing that he had established a medical school in the city of New-York, and requested the regents to take the institution under their protection.*

“On the 28th of January, a report was made by a committee of the regents in favour of the memorial, and the regents thereupon appointed a committee of their body to visit the institution.†

“On the 23rd February, in the same year, Sir Jas. Jay, knight, Nicholas Romaine, and others, presented a petition to the regents, praying to be incorporated as a College of Physicians.‡

“A counter memorial or remonstrance, was at the same time presented, signed by John Bard, President; John Charlton, Vice-President; and James Tillary, Secretary, of the Medical Society of New-York, in behalf of said society.§

“On the third of March, 1791, the regents approved of the establishment of a Medical College, as applied for; but having doubts of

* See Appendix.

† See Appendix.

‡ See Appendix.

§ See Appendix.

their power, resolved to apply to the Legislature for further authority.*

“1791, March 24th. The Legislature having passed an act, empowering the regents to establish a College of Physicians and Surgeons in this state, the regents thereupon determined to establish one, and directed a charter to be drawn.

“1792, February 8th. The trustees of Columbia College made a representation to the regents respecting a Medical School, and the regents appointed a committee to confer with them on the subject.

“February 15th. The committee of the regents, appointed as above, reported, that they had conferred with a committee of the trustees of Columbia College, and had learned from them, that they were actually engaged in establishing a medical department in their college, agreeably to their charter; and that they requested the regents to suspend any further proceedings in the matter, until they should see the success of the institution projected by the said trustees of Columbia College.†

* See Appendix.

† See Appendix.

“This request seems to have been acceded to by the regents, and the subject remained under the experiment of the trustees of Columbia College.

“1807, March 3rd, at the suggestion of Dr. Romaine a memorial was presented by the Medical Society of the county of New-York, praying for the incorporation by the regents of a College of Physicians and Surgeons.

“The regents assented to the objects prayed for in the memorial, and directed a charter to be prepared accordingly.

“1807, March 12th, the regents granted a charter of incorporation to the Medical Society of New-York, as a College of Physicians and Surgeons, in which all the members of said society, and all the physicians authorized to practice in said city are declared to be trustees, or members of the said college, and are duly incorporated as such.

“This charter contained a full reservation to the regents of right to alter and amend the charter in every respect, and to remove the trustees, or any of them, if at any time this measure should become necessary.

“The regents retained the appointment of the professors, and the trustees had the appointment of their own president and other officers.

“1807, April 3rd, the regents appointed the professors for the College of Physicians and Surgeons, and the college was fully organized. The trustees consisting of *one hundred and one* practitioners in medicine.”*

That so many years elapsed, from 1791 to 1807, before the regents determined upon the expediency of forming an institution, to be exclusively devoted to medical instruction, appears to have been on account of the medical school of Columbia College, which, it was hoped, would have superseded the necessity of another medical establishment.

It need scarcely be observed that the exercise of this long dormant power possessed by the regents of organizing a College of Physicians and Surgeons, was hailed as most auspicious to the cause of medical learning in this great and increasing state and country.

* See Report of Lieut.-Gov. Tallmadge.—Also Appendix.

The several professors entered on their respective duties with corresponding zeal, and their efforts were crowned with entire success. The first session of the college was honoured with fifty-three students attending the several classes.

About this time, 1808, the regents, on application of the trustees themselves, amended the charter of the college, so as to vest the appointment of the president and other officers in the regents instead of the trustees. We thus perceive even at this early period, the dawning of those evils which are incident to a medical board of trustees, and which ultimately led to those contentions and disputes which have marked the history of the college. Time does not permit us at present to offer more than general remarks upon the state of the institution at this period.

The lectures in the second session of the college were attended by seventy-two students, a greater number than had ever before resorted to this city at any one term for medical knowledge. The third session opened under still more favourable circumstances.

Certain misunderstandings, however, having taken place between the president, Doctor Romaine, and the professors, the rapid progress of the college received a temporary check. Some of the professors withdrew from the college; lectures were delivered on only particular branches, and the pupils were again reduced to one-third of their former number.

This condition of things being made known to the regents, they, with a view of removing dissensions, forthwith convened and took into consideration the several complaints that had been preferred. The committee consisted of the Hon. the Chief Justice Kent, Judge Spencer, and Judge Thompson. With characteristic firmness and promptitude, this enlightened tribunal reported on the various matters submitted to them.

I am constrained to read the report at this time, because of the important change which it effected in behalf of the college; and especially as it laid the foundation of that beneficial revolution in the institution, from which we date ten years of successive prosperity, and which had continued to this hour, but from that ill-advised

measure, which was afterwards adopted, of filling up the board of trustees with medical men.

“ At a meeting of the regents of the university, held pursuant to adjournment, in the Senate Chamber, on the 1st of April, 1811 :

“ The committee, to whom was referred several papers relative to the state of the College of Physicians and Surgeons in the city of New-York, report, that unfortunate misunderstandings have taken place between several professors of that institution, which have already materially impeded its operations, and unless something effectual be done by the regents, it will become degraded in the estimation of the public, and its usefulness will be inevitably destroyed.

“ The committee have forborne to trace and bring to light the conduct of individuals, because, in their opinion, it would be both useless and invidious.

“ Propositions have been made to the committee to re-model the institution, with a view of rendering its operation more simple, and of introducing into it several of the professors of the

medical school in Columbia College; and other eminent and distinguished individuals; this proposition has been viewed by the committee in the most favourable light, as it may extinguish the feuds existing among the present professors of the College of Physicians and Surgeons, and as it will, in all probability, be the means of uniting the two schools.

“The latter appears an object of the first importance, inasmuch as it will assemble, in one institution, a splendid collection of medical and surgical talents, and it cannot fail to merit and receive the patronage and encouragement of the legislature.

“It is unnecessary for the committee to attempt to display the important advantages to the state which a well organized medical school in the city of New-York must afford. Its hospital, and the subjects furnished by the state prison, without the violation of law, present a field for the acquisition of medical and surgical knowledge, unrivalled in the United States, and it is only requisite to establish an institution under the fostering care of the legislature, in which

shall be united the best talents, and to secure those advantages to the state.”*

In May of this year, the first medical commencement was held in the college, and eight candidates admitted to the doctorate. A greater number than had ever before, at any one commencement in New-York, been vested with medical honours. The amended charter, which we shortly after this time received, placed the venerable Dr. Samuel Bard at the head of the college, and arranged the several professorships in such manner as to embrace an entire new system of medical instruction.

In 1813 the college of physicians and surgeons, then in a high career of success, formed an union with the faculty of physic of Columbia College.

A consolidation of the two medical schools of New-York being thus effected, it need hardly be observed, that our institution was placed on a foundation which afforded a most advantageous system of education in every department of

* See Francis's Historical Account of the College of Physicians and Surgeons, 8vo. 1814. Also, the American Medical and Philosophical Register, Vol. iv.

the profession. In March of 1814, the committee of the regents, to whom was referred the annual report of the College of Physicians and Surgeons, reported, that an union had taken place between the medical department of Columbia College and the College of Physicians and Surgeons, and that in consequence of this union the trustees of Columbia College had abolished the faculty of medicine in their institution.*

I shall take no notice of the inefficient and unsuccessful attempts at the formation of another medical institution in this city, about this period; its duration was short, and it fell in its own weakness.

The seven subsequent years may be fairly considered the flourishing period of our late college—every year added to its means of instruction—the number of its students rapidly increased with the opening of each session, and the high reputation of the New-York University was recognised in every portion of the Union. The class room was occupied with upwards of

* See Appendix.

two hundred students,—the language of the regents, in their annual reports to the legislature, breathed the most flattering expressions of approbation in behalf of the talents and zeal of the professors, and the substantial attainments of the scholars that had been committed to their care.*

But the college was now destined to encounter other difficulties. The elements of discord and discontent were again summoned in the service of opposition. Some were discontented by reason of the prosperity of men with whom they had been unable to maintain a successful competition; and others were of opinion that the chairs of the professors might be more conveniently filled by themselves.

Some, in their individual capacity, from their innate propensity to mischief, and in which they still persist, enlisted in the hostile band, and others combined as confederates of certain medical societies. The charges created against the professors were not a few, and were arrayed with all the formality of numerous specifications.

* See Appendix.

It was declared that the professors had violated the laws of the regents by exacting inordinate fees for their services ; that those who held joint professorships, or taught two or more branches, had demanded double compensation ; that the professors had abused the confidence of the regents by recommending for degrees unqualified persons ; and that dissensions and discordant interests existed in the college. These were the charges. I need not trace the grounds upon which they were attempted to be established ; nor exhibit the various means employed with a view to give to them the semblance of truth. The documentary evidence, which had been raked together from every kennel, and which accompanied the slanders, was indeed voluminous.

Whether our accusers, in all these measures, were actuated by a disinterested desire to effect a salutary reform in the condition of medical learning, or whether their deeds were done in the spirit of intimidation, must be left for you to determine. But I may be permitted to state an occurrence from which all of you may be enabled to come to a correct and impartial deci-

sion as to the motives and objects which constituted the first spring that set in motion the hostility we have encountered.

At a late hour of the evening, preceding the day, when those memorable dispatches were to be sent to their place of destination, to be presented to the State Medical Society, and thence to the regents of the university, I was visited by one of those prime ministers of mischief, to whom I have already alluded, as behind the curtain operating upon men of unsuspecting minds, but purer views: I received him with civility and kindness. He informed me of the nature of the dispatches that had been prepared, that were to be transmitted to Albany the succeeding morning; but that he thought it was not yet too late to effect a reconciliation between the members of the profession and the professors of the college, and a suppression of those documents that had been thus collected. I listened with attention, invited the disclosure of the circumstances, which might propitiate the ire of our enemies, and restore harmony to the conflicting parties, I was not surprised at the propositions which were submitted as the price of the peace then

offered, and of the truce to the opposition we had endured.

You, however, gentlemen, will be surprised when you are informed of the conditions of the proffered treaty.

They were to be, 1st,—The abandonment on my part of one of the departments I then held in the college, in favour of the modest gentleman himself then addressing me. Secondly,—that another member of the then board of professors should also withdraw, and his place be filled by another of the hostile fraternity!

The reply to these conditions may be readily anticipated: suffice it to remark they were rejected, with a declaration on my part that they would be resisted by every exertion in my power, and that of my colleagues—that the admission of himself or his friend into the college, but in which they are now honourably provided for, should be opposed at every step.

Such, gentlemen, are the facts. Duty calls for this disclosure. This is the secret key which unlocks the door that presents to your view the concealed but interested agents exciting the hostility to the late professors of that institution,

and which, in connexion with the intrigues afterwards resorted to, led them to withdraw from their stations, and to organize another institution, in which they may prosecute their labours undisturbed by the ambition, the envy, or jealousy of professional rivals.

On the succeeding morning the documents referred to, containing all the charges and specifications which could be collected, or fabricated, by our foes, were sent to certain members of the State Medical Society.

The whole of the budget of grievances which had been made up was assigned by our complainants to suitable agents, and by them submitted to the board of regents at Albany. In their vindication of themselves against such foul and malignant aspersions, the professors with the fullest assurance of their innocence, declared most explicitly that of these charges thus preferred, some were absolutely false, others distorted or exaggerated, and all "set down in malice." Let me ask, Gentlemen, what was the result. The professors, conscious of their own rectitude, and reposing confidence in the tribu-

nal before which they were arraigned, anticipated the issue.

The committee to whom the business was referred, after the fullest deliberation, rejected the whole as altogether untenable.*

Complete as was this triumph to the professors, yet at this session of the board of regents a measure, probably intended for the purpose of accommodation was adopted, most ill conceived in its design, and most disastrous in its consequences.

There had existed, for some time, a number of vacancies in the board of trustees of the college. Disappointed in their endeavours to obtain professorial distinction, our opponents now sought for the more humble station of trustees, where, though they could do themselves no good, they might be so situated as to do others much injury. I am willing to believe that a very large proportion of the board of regents were not aware of the evils they were about to inflict upon us, when they yielded to the importunities of those by whom they were besieged.

* See Appendix.

By this act what was before a war from without now became a war within, and was waged with characteristic violence.

From and after the memorable ides of March 1820, we, therefore, date the decline and fall of the College of Physicians and Surgeons.

If it be asked, what was the actual state and condition of the College at this juncture, and previous to the clamours which were thus created against its professors? I answer, that the board of professors was filled, and in active operation, discharging with their best exertions and abilities the several duties of their appointment. The number of students who listened to their instruction was greater, beyond all example, than had ever been convened in the city of New-York, second only to the oldest medical institution of the country, and yearly receiving a considerable increase.

Such indeed was the accession of students during the felicitous period of our exemption from the government of a board of medical trustees, that we were compelled to enlarge the college edifice to double its former size.

This of course could not be effected without

great expense ; and yet this indispensable, vital appropriation, was converted by our opponents into a charge against us as a prodigal expenditure of public money, and as a waste of funds specifically granted for the promotion of medical science.

The fame of the College, at that time, had secured the attendance of candidates for medical knowledge from almost every section of the American confederacy, and those who honoured us with a hearing, from time to time, with all the ingenuousness of youth, have borne their testimony to, and have publicly, through various channels, expressed their grateful acknowledgments for the benefits they had derived from the ample means of instruction with which they had been supplied. In this expression of gratitude not a single dissentient voice was heard.* A recurrence to the annual reports of the regents to the Legislature, even to the last year, 1825,† inclusive, exhibits the state of the College, the

* See Pupils' addresses of thanks to the Professors in the American Medical and Philosophical Register, Vol. ii. p. 463. Vol. iii. p. 513. See also the public Gazettes.

† See Appendix.

increasing number of its pupils, its prosperity, and growing reputation.

A reference moreover, to the annual reports of the trustees themselves, hostile as they have been to the professors, incontestably establish the success attending their labours.*

Notwithstanding this prosperous condition of the College, as might have been anticipated, from the recent additions made to the board of trustees of the very men who had organized the opposition, and which had been countenanced by the Medical Society, but which the professors had triumphantly resisted, we were destined again to additional turmoil: notwithstanding the late discomfiture of the enemy, their opposition to the professors was again rallied, under a new disguise—that of introducing what they were pleased to denominate by the gentle term “reform.” I may here briefly observe, that the years 1821–2–3 and 4, were almost unceasingly occupied by special and extra meetings for the avowed purposes of considering “the state of the College,” the “condition of its funds,” “the fees of lectures,” “by-laws,” and the like.

* See Appendix.

Although there was no ostensible new cause of complaint, it was at length seen fit to reiterate the old and exploded charges ; and the better to secure their object, they varied the ground of accusation, and attempted a modification of the existing laws and practice concerning the examination of candidates—the qualifications for the doctorate, and other matters which had been long since definitively settled by the ordinances of the regents themselves.

This spirit of discontent proceeded so far, that it ended in a formal renewal of the same charges that in 1820 had been preferred to the board of regents. A committee, of which the venerable Col. Troup was chairman, was forthwith appointed to inquire into their validity, and an order passed by the hon. the regents, requesting the several parties to appear before them, by their representatives, at their meeting to be held in Albany, in March 1825. Accordingly the trustees by their agents, and on the part of the professors, two of that body, appeared. I had the honour to be one of that number : the committee, after the most patient attention to, and the severest examination of, the several points of inquiry, found, that not a single charge

could be substantiated. They made two reports which have been pronounced eminently satisfactory to the friends of learning and science, and which were unanimously accepted, approved, and published by the board of regents, to the terror and dismay of an ignoble and sordid enemy.*

As a further evidence that the regents were satisfied of the nullity of all that was said against the professors, the candidates for the doctorate, as heretofore, had their degrees duly granted, agreeably to the recommendation of the professors.

In those reports, referring to the elevation to which the College had attained, notwithstanding the collisions that had taken place between its professors and trustees, the committee express themselves in the following terms of approbation, and which will show the condition of the Institution, when lately surrendered to the regents.

“ If any thing has occurred to mitigate the pain experienced by your committee, it was, that the inquiry has fully established the important and consoling fact, that the College, notwith-

* See Appendix.

standing the unfortunate controversy, has risen to such a lofty eminence, as to stand at least on a level with the most celebrated schools in the United States; whether we consider the learning and skill of its professors, the number of its pupils, or the different parts of the world from which the pupils come.”

The committee then, expressing the patriotic wish that the College may maintain this lofty stand, and rise to greater height, justly observe, “that these happy events can never be looked for or realized, without union of sentiment, and concert of action, between the trustees of the college and its professors;” and well knowing the frailties of human nature, they proceed to observe, “that it is not uncommon for professional men to view professional objects through different mediums, and that they thence become a fruitful source of different opinions, which, leagued with angry passions, engender acrimonious and lasting disputes, that neither time, nor the attempts of mutual friends can ever reconcile or remove.”*

The committee, possessing a full knowledge of

* See Appendix.

the extent and character of the controversy that had divided the professors and trustees, and believing from the nature of its source already referred to, a reconciliation of long continuance, or that cordial understanding that is necessary to render their joint labours beneficial to the institution or to the community, were not to be looked for, immediately suggested the propriety, and indeed urged upon the regents as an imperious duty, to make an entire change in the government and organization of the College; and to remove, what they denominate insuperable obstacles, in the way of that glorious march which the College seems to be rapidly making towards an increase of reputation and usefulness.

To obviate those evils which they deemed injurious to the honour of the state, and to the cardinal interests of society, the committee felt themselves reduced to the painful necessity of recommending to the regents to reorganize the board of trustees, by an entire change of the general character of the trustees of the College, by the appointment of *gentlemen who are not practitioners in medicine*.

The committee, in pursuance of this recom-

mendation, and persuaded, as they express themselves, that the regents were prepared to perform the duty with all the fidelity called for by the critical situation of the College, and the high and responsible trust reposed in them, submitted to the consideration of the board the following resolutions :

“ 1st. That the charter of the said College be so amended as to interdict any future appointment of practitioners to be trustees of said College ; and to provide for the appointment of no greater number than thirteen trustees to manage the affairs of the College : also, providing that the president and vice-president of the said College shall be ex-officio trustees, in order to preserve to the College that professional character which is indispensable to its prosperity and its fame.

“ 2nd. That immediately after the charter of the said College shall be amended as aforesaid, the board of regents will proceed to the choice of trustees to manage the affairs of the College.”

The committee, under the fullest conviction of the necessity and expediency of the measures just suggested, still further confirmed the pro-

priety of the plan proposed, by the fact, that the medical schools of our sister states are under the direction of gentlemen who are not practitioners in medicine, and that this is a regulation which experience elsewhere has shown to be productive of very salutary effects.

Another subject of complaint, brought by the trustees against the professors, was that of receiving into their offices as private pupils, those who are at the same time in attendance upon the public lectures of the College; and connected with this charge was, the suspicion that a degree of favouritism had been indulged towards such private pupils, by which they were readily passed through their examination, and recommended for degrees, when they should not have been so admitted or recommended.

It will be in place here to observe, that a practice prevails with the professors in all the colleges of this country, and indeed, in many of the most distinguished schools of Europe, of receiving into their offices, private pupils, to whom they extend the benefit of medical instruction, added to that received from the public lectures: a practice coeval with the existence of the

medical schools of this state, as well as those of Philadelphia, Boston, and Baltimore.

During the attendance of the pupil in the office of the professor, he enjoys the advantages of more detailed instruction, which he cannot obtain in the public lecture-room. The pupil is here privately interrogated upon every branch of his professional study—he has access to the professor's library, which usually is, as it ought to be, much more extensive than that of the private practitioner: he also possesses the privilege of witnessing the professor's private practice in the lower classes of society.

In consequence of this attendance in the private office of the professors, it is also obvious that the attentive pupil not only becomes familiarly conversant with the numerous and various subjects upon which he may be interrogated, but he thereby acquires a facility of reply, which, when he may have completed the course of study prescribed by the College, insures his ready admittance to the honours of the profession. Could it have been supposed, that this familiar acquaintance with the subjects upon which he is to be examined, and his readi-

ness of response, should have been made matter of complaint? On the contrary, ought not those very facts justify and recommend the practice? But the motives of those preferring such complaints cannot be misunderstood, nor their mortification concealed, that while the offices of the professors were filled by pupils seeking instruction, and availing themselves of the ample means of information provided by the professors, their own offices were nearly deserted, or only occupied by a few students, corresponding in number with the scanty means provided for their instruction.

The committee may well observe, that the advantages thus enjoyed by the pupils, place them in a more favourable situation for gaining knowledge than the pupils who only attend the public lectures, for the latter can make use of no other library than that of the College, and are deprived of all opportunity of seeing the practice of medicine, except so far as it is exhibited in the hospital in the city of New-York. For these advantages a small additional fee is very properly paid to the professor. That these advantages conduce to the advancement of

medical science, and give reputation to the College, was fully acknowledged by the committee, and of course, they think a custom producing an effect so beneficial should be encouraged instead of being totally or partially prohibited.

“A total or partial prohibition might indeed be proper, if the time devoted by the professors to the pupils in their offices, interfered with the time necessary to the due discharge of their duties as public lecturers, or if there existed any ground for believing in the system of favouritism already noticed.

“But your committee,” says the report still further, “are happy to state, that not the least evidence has been offered to them by the trustees, nor have they insinuated that the professors have denied to the College any part of the time requisite to the faithful discharge of their public duties. And as it regards the system of favouritism, the committee express their conviction, that it is entirely without foundation.”*

It was certainly to have been expected, that a charge of this character and magnitude, imply-

* See Appendix.

ing the want of integrity on the part of a board of professors, to whom, I believe, the slightest suspicion of such baseness had never before been attached, since the foundation of the College, would have been sustained by at least some colour of fact besides the unworthy suspicions engendered by malignity. A charge of this nature, calculated, if true, to blast for ever the reputation of the College, and to degrade its professors, could not pass unnoticed by the regents. The committee to whom this subject was referred, accordingly gave to it their most earnest attention, demanding from each and all of the trustees then in attendance, and who had been the instruments in preferring the complaint, the proofs that the professors had, in any one instance, been guilty of such violation of the sacred trust reposed in them.

What was the result of this demand, so pressed by the committee upon those honourable plaintiffs? And what was the impression made upon the minds of the committee and the by-standers who had witnessed the investigation? The most perfect acquittal of the professors in the minds of the committee, and the most unmingled disgust

on the part of the hearers towards those who had dared to give utterance to the unwarrantable suspicions that had been expressed by the trustees.

Hear the language of the committee in their report to the regents. "The serious tendency of the censure has imposed the duty of examining the cause of it with careful attention; and it affords them particular pleasure to assure this board, that after such examination, they are convinced the cause is entirely without foundation."*

But, gentlemen, our accusers are not to escape in this manner, by failing to establish the charges which they preferred against the professors. On the contrary, you will now find, by the facts I am about to relate, that the trustees in their hostility to the professors, have in several instances recommended to the regents as qualified to receive the degree of doctor of medicine, pupils who had, after an examination by the professors, been by them unanimously rejected as unqualified for the practice of their profession, and unworthy of

* See Appendix.

public confidence! yet in consequence of the trustees' recommendation, although previously pronounced by the professors as unqualified, and unworthy of public confidence, they were admitted by the regents! In one instance, gentlemen, the private pupil of one of the professors, indeed of him who now addresses you, after every effort which friendship or duty could suggest had been made to dissuade him from even presenting himself for examination, was unanimously rejected by the professors. He then availed himself of the privilege allowed, of an appeal to the trustees, and of a second examination before that body, by whom his fate was to be decided. After an unanimous rejection by the professors, you will be surprised to be told, that he was admitted by this immaculate board of trustees as competent in his profession, and deserving the confidence of the community. And the professors, consequently placed in the painful situation of being compelled, by what is virtually a mandamus of the regents, to attest to the competency of the candidate, and to annex their names to his diploma, at the same time that they conscientiously believed and had pronounced him to be undeserv-

ing the honour, and privileges thereby granted. But you will still be more surprised, when you are told, that no instance has ever occurred in which such appeal has been made from the decision of the professors to the trustees, that the pupil has not been admitted !

Indeed, from the foundation of the College to the present day, not a single instance has occurred where the professors have refused, upon examination, to recommend a candidate, that the trustees, when the appeal has been made to them, notwithstanding such refusal, have not approved of his attainments, and tendered his name to the regents for the highest distinction in the medical profession ! !

While on this subject I may be permitted to state, lest it might be supposed that every candidate for the doctorate whom the professors rejected, was nevertheless, subsequently admitted to the honours of the profession, that many students so rejected remained satisfied with the decision pronounced by the professors as to their merits, and declined availing themselves of the privilege of an appeal.

This circumstance, which oftentimes occurred during the long professorial career of the teachers of the College, is one which fortified them in this necessary but painful discharge of duty. And I may moreover observe, as corroborative of the impartial conduct of the faculty, that there never was a single instance of a rejection by the trustees, after an examination held before them, of any candidate whom the professors had declared to be qualified.

But there are several cases, say the committee, where the pupils whom the professors, at their full trial-examination, pronounced unqualified, and have accordingly refused to bring before the board of trustees for a second examination, have made an appeal to that board, and been allowed a second examination, which has resulted in the recommendation of them to the regents for degrees. Col. Troup, the venerable chairman, proceeds, "there was shown to your committee a particular instance, wherein a pupil who had been five years in the office of a professor, and had likewise regularly attended the public lectures, was deemed by the professors decidedly unqualified for a degree, and yet that

very pupil was afterwards recommended by the board of trustees for a degree, and he obtained it"! Is this, I ask, gentlemen, the favouritism of the professors? To you I appeal—to you I submit the inference and its application.

Well may the committee observe, that "the conclusion they are bound to draw from the circumstances above stated, is, that the suspicion of favouritism by the professors towards those public pupils who likewise enter their private office, is not entitled to the slightest notice from the regents." "And as the custom of taking public pupils into the private office of the professors does not appear to have been attended with any abuse, your committee are unable to assign any reason why the custom should undergo the regulations of this board."*

I might here, gentlemen, rest the defence of the professors. A further justification is furnished by the able and lucid report of Lieut. Gov. Talmadge, chairman of a committee subsequently appointed by the regents to investigate the matters in controversy between the trustees

* See Appendix.

and professors : a document so ample, so satisfactory, and so well arranged, that it almost supersedes the necessity of applying to any other source of information for a history of the College or its concerns. That committee consisted of Lieut. Gov. Talmadge, the Hon. Stephen Van Renssalaer, and Mr. Marcy the comptroller. The committee, in their remarks upon the prosperity of the institution observe, that “ this College has been one of the favourite institutions of the state, and may become one of its proudest ornaments. The known talents and celebrity in medical science, of its professors, have within a few years reared this infant institution ; and while it has become the just pride of the city in which it is founded, it has been enabled to hold an eminence in science at least equal to similar institutions established in neighbouring cities.”

Upon another occasion they also in praise of this establishment remark, that “ the College has continued to advance in prosperity, and has retained its number of students, notwithstanding other Medical Schools have since been established in most of the other states ; and one

other in this state, denominated ‘the Western College of Physicians and Surgeons.’ To have sustained itself against such competition, is proof of its increasing strength; and which is yet more certainly demonstrated by a reference to its students, which have been collected, not only from this state, but from most of the other states, the Canadas, and even the West India Islands. The fame of the College as a Medical School, combining very many advantages for improvement in that department in science, has become widely extended, and from its importance, general utility, and admitted facilities in education, it seems to have attained a high degree of eminence.”

“But,” add the committee, “it will not be matter of surprise, that disagreements have arisen in the management of this College, between the professors and the trustees and medical societies, when it shall be recollected those bodies are composed of practising physicians, and candidates for the same patronage; and that most, or all of the trustees are also members, and many of them officers of the medical societies.”*

* See Appendix.

The committee having examined the complaint of the trustees relating to the practice of the professors in receiving winter pupils, and which was so violently opposed by the trustees, make the following observations: "An ordinance, forbidding professors from taking 'winter students,' would infringe upon the rights of the students to acquire information with whom they please. The reasons upon which this ordinance is now required against the professors, might then be urged with equal force, to have the same prohibition extended to the trustees, who also have a vote upon the examinations. Such regulations would abridge the opportunities of information to the students—would proscribe too large a portion of the medical talent of the city; and would bespeak an unreasonable and improper jealousy of the respectable and honourable gentlemen who are professors and trustees. In the opinion of the committee, the ordinance ought not to be granted."

I cannot, without trespassing too much upon your attention and kindness, notice the other interesting details of their report. Suffice it to remark, that the committee, after noticing the prosperity of the College, the elevation it had

received from the labours of its professors, the great number of pupils resorting to it from the various states of the union, as well as from other countries—the subsequent injury the College sustained from the appointment of medical trustees, observe : “ In searching for remedies to secure harmony to this College, and to produce a greater unity of action in the members of its government, the committee are induced to recommend, that the several vacancies now existing, and which shall hereafter happen in the board of trustees, shall be filled by distinguished gentlemen, who are *not medical men*, until they shall be equal in number to the medical trustees.”*

This report was unanimously accepted, but the regents finding themselves unable, by the provisions of the charter, their powers being restricted by the new constitution, made a communication to the legislature soliciting such power, to alter and amend the present charter of the College.†

* See Appendix.

† See Appendix.

The report made by the committee was, accordingly, also referred to the legislature, soliciting its interposition in the dilemma in which the regents found themselves placed.

The regents, also, respectfully suggested that, in their opinion, it is essential to the honour of the College, and that its future prosperity very much requires that sufficient power and authority to amend its charter, and from time to time to regulate its concerns, should be either vested in the regents, or remain with the legislature.

This communication was presented to the senate, and referred to the committee on literature. The Hon. Mr. Spencer was the chairman of that committee. I pass over, on the present occasion, the luminous, just, and pertinent observations of that distinguished statesman, relative to the limits prescribed to the power of the regents, by the new constitution.* Mr. Spencer introduces his report with the preliminary observation, that "the communication of the regents and other documents submitted to your commit-

* See Appendix.

tee, show, that the College of Physicians and Surgeons of the city of New-York, is at this time in a most deplorable condition, and that, without some prompt and effectual interference, that institution will be utterly destroyed, the public property wasted, and the objects of former legislative munificence, wholly disappointed. Your committee are alike strangers to the persons, interests, or views of any of the contending parties, and having no other motive than the public good, and the promotion of the best interests of medical science, they feel it to be a solemn duty to state, distinctly and directly, the true circumstances of the case, in order to exhibit the propriety and necessity of the remedy they mean to propose."

"The cause of these differences," says Mr. Spencer, "is to be found in a radical error in the organization of the College. The trustees seem to be placed there for no earthly purpose, but to superintend funds to which they in no way contribute, and to recommend for degrees, pupils whom they do not instruct. In the exercise of the last duty, a full opportunity is given for the indulgence of those feelings of rivalry and

jealousy, for which the medical profession is unfortunately somewhat distinguished, and which are exerted and fomented by the greater reputation and practice which the occupation of a professor's chair gives to the incumbent, over trustees practising in the same sphere, who have not the same advantage, and who are, therefore, prompted by the most ordinary principles of human nature, to maintain their own consequence by depreciating that of their competitors for public favour ; and a better system for the creation of discord," says Mr. S. " could not well be devised, than that which thus arrays members of the same profession against each other, and prompts them to contention by all the hopes of reputation and fortune.

" Your committee remark, that from all they can learn, as well from the communication of the regents, as from the returns, reports, and addresses to them by the College officers, we cannot discover that the trustees have yet done any thing towards effecting the purposes of the institution, but on the contrary, that all their acts have tended to its injury. They have wasted the funds ; they have suffered the College to run

in debt to the amount of \$21,000 ; they have done all they could to deter students from attending ; they have disregarded, and defied the ordinances of the regents of the University ; they have created cabals among other physicians, and have enlisted the State Medical Society, most unworthily and improperly, in their opposition to the regulations of the regents. Your committee have not hesitated, therefore, to recommend, that some prompt and effectual means be adopted to abolish the board of trustees. It is probable that there has been such gross abuse and misuser of their offices by many of the present trustees, that they might be removed by legal proceedings : but in the meanwhile the College suffers, and new incumbents would soon follow in the same path, and be engaged in the same scenes of contention. A more effectual remedy will be found in the repeal of the charter of the College, and in the organization of a new institution. All means short of this, your committee are convinced, will be utterly inefficacious."

Mr. Spencer then proceeds to show, that "the legislature are called upon, not only by the regents, who solicit their interference, and who

have expressly consented to any acts the legislature shall think proper to pass, to interpose their controlling power by repealing the charter of the College of Physicians and Surgeons, and by the organization of an institution upon the principles stated in the report of the committee of the board of regents. An exercise of power which the committee solemnly believes the condition of the institution itself, and the character of the state, imperiously require."

But what are the principles proposed to be introduced in the organization of the new institution contemplated by the regents, and contained in the bill offered to the senate by the able and learned chairman of the committee of literature ?

To use the language of the report of the committee, "the most important of those principles is, that there shall not be two sets of officers in the same institution, so situated as to be perpetually engaged in feuds and controversies, adding, that *the professors may discharge all the duties which the interests of the institution require.*"*

* See Appendix.

It may be remarked that the bill so reported passed the senate unanimously ; but at so late a period of the session, that it did not afford to the house of assembly an opportunity for the full discussion of its merits, which was likely to ensue, inasmuch as the enemies of the bill, by their gross misrepresentations, had caused great excitement among the medical members of the house.*

The legislature, therefore, having left unfinished the act proposed by Mr. Spencer, and unanimously passed by the senate; and the board of regents not possessing the power to carry into operation the resolutions they had entered into of altogether removing the trustees of the College—the professors, influenced by a sense of self-respect, and of their professional obligation and duty, seeing that they could no longer remain with credit to themselves or benefit to the public, and unable longer to endure the annoyance they had so long experienced from a board of medical trustees, felt themselves com-

* See Appendix.

pelled, as their only resource, to retire from the College, under whose anomalous government it was impossible to render their labours honourable to themselves, or beneficial to the state.

After expressing their grateful acknowledgments for the various and distinguished marks of confidence the regents had, from time to time, reposed in them, they accordingly tendered their resignations of the professorships and offices they respectively held in the College of Physicians and Surgeons.

The same were accepted by the regents, and a resolution passed, expressing the thanks of that body to the said professors for the faithful and able manner in which they had filled their respective chairs as instructors and lecturers in the said College.*

But shall the city of New-York, holding the high rank it does in other departments of literature and science, and the numerous facilities it affords for the best medical school in the union,

* See Appendix.

be without an institution commensurate with the advantages she otherwise enjoys?

Time and experience will determine what will be effected by those who have succeeded to the places vacated by our resignation. But while we congratulate the public that an opportunity is now offered for an honourable competition, which may contribute to the advancement of medical science, to the benefit of our profession, the advantages of the youth who may resort to this city for instruction, and to the interest of our state and country, yet for the reasons already advanced, distrusting the organization of the College of Physicians and Surgeons, and the anomalous government of it by a board of regents and a subordinate board of trustees, an *imperium in imperio*, the result may be readily anticipated, as, of the house divided against itself, an institution containing the seeds of its own dissolution. Under these impressions, the late professors of that College have resolved to unite their labours in the organization of another school, on a more liberal and extended plan, guarded from professional rivalry, from political and party influence,

and where in connexion with the observance of the statutes of the state, the merit and attainments of the pupil will be duly respected; by which, we trust, the advantage of a school of medicine will be secured to the city, commensurate with its increasing prosperity and resources.

I am at this time, gentlemen, induced to repeat the observation which I made upon a former occasion, and which has proved a subject of great annoyance to the envious and the interested; that a great medical school can only exist in a great and populous city. This truth, this axiom, however unpopular and unpalatable it may prove in the western district of our state, or to those who may be connected with the minor medical institutions of other states, the experience of all ages has fully justified. To use the language of my able colleague, Professor Macneven, "the solid basis of a medical education is not to be obtained in those village schools, recently instituted in our country, where they pretend to teach anatomy and surgery without subjects, and the practice of physic without a patient; but must be laid and can only be laid, amidst the hospitals and

dispensaries, the countless accidents, the numberless distempers of the multitudinous city."

Allow me to add to these remarks the weight of authority derived from the long experience and observation of the late venerable President of the College of Physicians and Surgeons, Dr. Samuel Bard. In his address delivered before the Medical Society of Dutchess county, and in reference to the prosperity of the College in which we were then associated, he thus expresses his conviction, "that a good medical education, although it may be commenced, can never be properly finished in the country, where opportunities for the study of many of the most useful branches of our profession are not to be obtained, where many rare and important diseases seldom occur, where few young men can see a capital operation in surgery, and where limited opportunities of dissection are offered. One great advantage, therefore, says Dr. Bard, which I hope to see flow from this institution is, the encouragement of our public medical schools, by a practice which has not hitherto prevailed so generally, as from its real usefulness and great importance it unquestionably ought. I mean that of

sending young men, at least to finish their medical education at New-York, where a chemical laboratory, an anatomical theatre, a well-regulated hospital, and learned professors offer them every means of improvement, and will do more in one season, to promote their knowledge, and to give them just, liberal, and extensive views of their profession, than many years spent in the country. I am confident," he proceeds, "that in this decided preference which I give to the opportunities afforded for a medical education at the well-regulated and amply furnished school which we possess in New-York, I meet the hearty concurrence of every medical man of a liberal mind in this or any other county of the state. They too well know the difficulties they have to contend with in instructing their pupils; too justly appreciate the excellent opportunities of our public seminary, and too conscientiously feel their duty, to hesitate in a matter so apparent and so important. I know, too, the difficulties and obstacles which obstruct their wishes, the reluctance, and, in too many instances, the impossibility of parents supplying the necessary

expenses, and too frequently the impatience and confidence of young men : but would it not be a less evil, that those who will not, or who cannot, afford the necessary expense of time and money to obtain a good medical education, should turn their thoughts to some other profession, than that the health and lives of our fellow-citizens should be committed to the care of such as are confessedly unqualified for so delicate and important a task ?”

I will not except from these remarks, gentlemen, even the Medical School denominated the College of Physicians and Surgeons of the Western District : for in that seminary, admitting the competency of its professors, very imperfect means of education are furnished to the pupils : this must necessarily be the case, not only from the want of the means of giving practical instruction in medicine and surgery in the wilderness, but from the errors committed in the first organization of that institution, from the hurried and imperfect manner in which the professors are compelled to deliver the few days’ instruction, by a misnomer called courses of lectures, that are given upon the branches they profess to

teach. Complaints have actually been made against the regents for conferring their degrees upon pupils who have been limited to such inconsiderable means of education, as are afforded at the Fairfield school. As the community are generally not informed upon this subject, I will take this opportunity to communicate a few facts in which the citizens of this state have a deep interest, and which I hope may suggest to the regents or to the legislature, the propriety either of a total abolition of, or at least a great reform in, the system of education pursued in that institution. In the school referred to there are five professors, most of whom reside at a distance from the place where the College is located, and some occupied in pursuits foreign from those of the medical profession. I believe, liberal appropriations, from time to time, have been made for their services, in addition to the fees received from the pupils and from graduation. Each professor in rotation, proceeds to Fairfield, and devotes three weeks, or about a month to tuition in his particular branch; he then retires, and is succeeded by another professor, who also remains as many weeks or a

month, and in his turn gives place to a third; the third retires and a fourth succeeds; and yet another; denominating this a sixteen weeks' course, as they themselves express it, instead of each professor delivering a four months' course upon each branch, as in the Colleges of Philadelphia, Boston, Baltimore, New-York, &c. I ask, gentlemen, can any man become an anatomist in one month's study? Can he acquire a knowledge of the practice of medicine in a single month? or, indeed, can he learn the elements of any one branch of the profession in that short space of time? Every tyro knows it to be impossible; and yet a degree is conferred upon the student who has passed two winters attending these monthly courses.

Dr. Bard, in the discourse referred to, has abundantly exposed the absurdity, to call it by no other name, of such limited means of medical education. I must be permitted to add, that in my opinion, the regents have a heavy responsibility on this subject. I am afraid they know not what they do when they thus bestow diplomas upon, and thereby recommend to the confidence of the public, candidates, who have never

seen the inside of a hospital, nor witnessed the surgical cases and accidents that are only to be met with in a great and populous city.

Another fact meriting notice, and which demands the immediate regulation of the regents, is, the mode in which the candidates for degrees are examined and recommended. Instead of examining the pupil in the presence of the board of professors, as is customary in all other medical schools, and by which they are enabled to form a comparative judgment of his abilities and attainments from his examination in all the branches of his profession, the practice in the Fairfield school is, for each professor, when he has terminated his course, to subscribe a certificate at the time of his departure, recommending A, B, or C, as, in his opinion, qualified to receive the doctorate, the professor knowing nothing of his acquirements in any other department of the pupil's professional studies, and indeed, which the pupil is yet to acquire from the prelections of the professors who, according to this system of instruction, are yet to succeed.

Nor do the professors afterwards ever convene to institute any other inquiries, touching

the further attainments of the candidate, or his abilities in composition as ought to be exhibited in his inaugural dissertation, which should be the subject of a public discussion, and at which the board of professors should be present, as in all other institutions of this nature.

Accordingly, such is the impression relative to the imperfect system of instruction in the Fairfield school, that a course of lectures in that institution is not, I believe, received in any of the Colleges or Universities of our country, as equivalent to their own.

Indeed, some years since, the regents of the university were induced to accede to the proposed incorporation of a College of Arts, in the room of the Fairfield academy, one of the conditions of which was, that the charter of the College of Physicians and Surgeons established in that place be surrendered; and, indeed, the regents had actually stipulated for its abolition, and resolved not to sanction afterwards any College out of the city of New-York, believing, as I heard them express it, that in no other part of the state were the same opportunities afforded to the students for acquiring practical knowledge, either

as to the nature or variety of the diseases which call for the skill of the physician, or of the numerous accidents which more immediately fall under the notice and care of the surgeon.

Deeply impressed with these truths, gentlemen, the late professors of the College of Physicians and Surgeons of the city of New-York, resolved not to relinquish their accustomed labours, but placing a full reliance upon the patronage they might expect to receive, not only from the numerous physicians of our country, whom they had educated, but from the approbation of their fellow-citizens in general, and of the authorities of the state, they determined to proceed, without delay, to purchase the necessary site, and to erect a suitable edifice at their own expense ; not doubting that if their labours merit it, they will receive from the pupils that may resort to this city for their education, an adequate remuneration, without soliciting funds from the coffers of the state.* The former of these objects being obtained, as far as regards

* See Appendix.

our "local habitation," it affords us the highest gratification to inform you that we have also succeeded in obtaining the patronage and protection of a neighbouring seat of learning, (Rutgers College,) by an alliance constituting us the Medical Faculty of that Institution, which, under the care of its pious, learned, and distinguished President, its able professors, a munificent founder, aided by liberal patrons, and a vigilant board of governors, is rapidly rising to an eminent station among the older institutions of our country, and promises important accessions to the cause of religion, science, and letters.

Thanks to a kind Providence, notwithstanding the unceasing opposition we have received, and the recent unworthy attempts to calumniate those who had the honour to solicit that connexion, attempts no less dishonourable to those who instituted the vile detraction, than to those who were made the ignoble instruments of conveying the base slander, we succeeded in obtaining a candid hearing from a numerous, dignified, and intelligent board of trustees, who, after duly weighing the merits of the application in all its

relations, unanimously resolved to form the alliance that had been proposed. An event, gentlemen, which, it is devoutly to be wished, may prove propitious to the great interests of medical science, to the honour of our state and country, and a source of increasing prosperity to the College whose name we bear.* Under the protection of this institution, and freed from the thralldom and restraints we have hitherto experienced, we indulge the hope, that our labours may now be exclusively directed to the improvement of the student, and the honour of the profession.

If, when attached to the College of Physicians and Surgeons, under the most adverse circumstances, we have received your approbation, or have deserved the character bestowed upon our exertions, may we not indulge the belief, that in our present situation, unembarrassed by internal dissensions, and with the accession of strength we derive from our able coadjutors in the depart-

* See Appendix.

ments of anatomy and chemistry,* we shall be enabled to furnish such system of instruction as will not only secure to our pupils more substantial benefits than they have ever heretofore received, but to the city a school of medicine, that shall be commensurate with the advantages she otherwise enjoys, and the great facilities afforded by her central situation in the union.

Exempt as we are from professional rivalry and intrigue, and undisturbed by party or personal influence, the results we have anticipated cannot fail to be realized. And if, young gentlemen, the unwearied exertions of your professors afford any just grounds of calculation, we may now with certainty predict, that many years will not pass away, before the city of New-York will attain to that rank in her medical literature, that she at present enjoys from her commercial and political advantages; and that the institution under whose banner we are happily enlisted, will no less derive honour and prosperity from the extension of her system of education, which has been recently effected.

* See Appendix.

Under these favourable auspices, permit me to declare to you, in the name of my colleagues, and to assure you, that we shall devote the best exertions of our abilities and zeal to advance your interests in that profession which is to be the occupation of your lives. And, I must repeat, if, under the control of an interested supervision, and under an anomolous government, we were enabled to obtain your countenance and support, we think it no vain expectation, that more vigorous exertions on our part, and those devoted to your service, will not fail to receive a still higher measure of approbation.

APPENDIX.

I. *Page 18.*

I COPY the following from the Catalogue of Columbia College, published in 1826. It presents, in one view, a list of the Faculty of Medicine, under the Royal Charter, appointed in 1767-8, and vacated in 1776.

SAMUEL CLOSSEY, M.D. Professor of Anatomy.

PETER MIDDLETON, M.D. Professor of Pathology and Physiology.

JOHN JONES, M.D. Professor of Surgery.

JAMES SMITH, M.D. Professor of Chemistry and Materia Medica.

SAMUEL BARD, M.D. Professor of the Theory and the Practice of Medicine.

JOHN V. B. TENNENT, M.D. Professor of Midwifery.

The brief notice which follows of these early founders of the first organized Medical School of New-York, will not be irrelevant. Their memories deserve some memorial, for amid conflicting views they laboured with disinterested feeling, to erect a school, when the labour of teaching wholly outweighed the profits of such efforts. My friend, Professor Francis, late of the College of Physicians and Surgeons, has enabled me to render the little that is now stated, sufficiently authentic and accurate. See his Historical Account of the College, in vol. iv. of the American Medical and Philosophical Register.

Dr. SAMUEL CLOSSEY had, previous to his arrival in America, from Ireland, where he was born, attained a high degree of eminence in the medical profession, both as a practitioner and as the author of an interesting volume on Morbid Anatomy, entitled, "Observations on some of the Diseases of the Human Body, chiefly taken from the Dissections of Morbid Bodies, published in London, October, 1763." This work evinces no small evidence of sound anatomy and practical pathology, if it be at all compared with the casual papers on similar subjects of observation at that time made by others. He was, some time before he was chosen to the anatomical chair, the professor of natural philosophy in King's College. Political difficulties in the American government caused him to return to his own country, where he died some short time after.

PETER MIDDLETON, M.D. Of him I need only say, that his learning as a scholar, his practical abilities as a physician, and his character as a man, deserve especial regard. He was one of the very few medical men of this country, who at this early day, were distinguished for various and profound learning, and great professional talents. His *Medical Discourse*, or Historical Inquiry into the ancient and present state of Medicine, the substance of which was delivered at the opening of the Medical School of New-York, published in 1769, is an honourable specimen of his talents and attainments. He also wrote a letter on the Croup, addressed to Dr. Richard Bayley, a copy of which may be seen in the New-York Medical Repository, vol. xiv. This highly respectable man for a considerable period, struggled with an impaired state of health, through the toils of a laborious practice, and after enduring the severest bodily suffering for more than ten months from a stricture and scirrhus state of the pylorus, died in the city of New-York, 1781. See Dr. Francis's Cases of Morbid Anatomy, in the Transactions of the Literary and Philosophical Society, vol. i.

JOHN JONES, M.D. He was a native of the state of New-York, and born in the town of Jamaica, Long Island, in 1729. He received his preliminary education chiefly at a private school in New-York. By the advice of his father, as well as led by his own inclination, he commenced the study of medicine under the care of the late Dr. Cadwalader, of Philadelphia. After completing his studies in this country, Mr. Jones visited Europe. In London he attended the instruction of the celebrated Hunter, M^cKenzie, and others ; and the practice of Pott. He graduated at Rheims, in France, in May, 1751, having also added to his stock of knowledge by the learned and profound lectures of Petit and Le Dran. Upon his return to his native country, his abilities soon procured him extensive practice. Surgery was the object of his greatest ambition, and he was the first who performed lithotomy in this city.

In 1775, he published his work, entitled, *Plain Remarks upon Wounds and Fractures*, which he inscribed to his old American preceptor, Dr. Cadwalader. This production embraces many of Dr. Jones' practical observations which he made while in public employment, and was a most acceptable present to his country in the then critical state of American affairs.

Dr. Jones died in 1791. For a minute and interesting account of his life, see Dr. Mease's Memoir, and the American Medical and Philosophical Register, vol. iii.

JAMES SMITH, M.D. He was brother to the distinguished historian of New-York. Dr. Smith received his medical education chiefly in Europe, and was graduated doctor of medicine at Leyden, on which occasion he defended an inaugural dissertation, *de Febre Intermittente*. He is admitted by all to have been eminently learned, though too theoretical and fanciful, both as a practitioner of the healing art, and in his

course of public instruction. He died at an advanced age, in the city of New-York, in 1812.

SAMUEL BARD, M.D. LL.D. Of this eminent individual, so long a distinguished ornament to the medical profession, I shall only observe, that for many years after the re-organization of the College of Physicians and Surgeons, in 1811, he held the office of President; and closed a life of great usefulness at the advanced age of 79. His medical writings are well known and deservedly popular. For the history of his life and services, I must refer the reader to the interesting volume published by his relative, the Rev. Dr. M^cVickar, professor in Columbia College, New-York. 8vo. 1822. Also, to the Discourses of Dr. Mitchill and Dr. Ducachet.

There are some particulars in the work now referred to touching our late college difficulties, which are (unintentionally I believe) calculated to lead to wrong impressions as to the conduct of myself and some of my colleagues, in the contest with the then board of trustees. A more correct statement of these affairs may be found in an article on Dr. M^cVickar's work, published in the New-York Evening Post, about the time of the appearance of that work.

JOHN V. B. TENNENT, M.D. After a substantial preliminary education in his native state, New-Jersey, Dr. Tennent availed himself of the advantages in medicine which Europe then held out to American youth. While in London, 1765, he was created a Fellow of the Royal Society. He died at an early age, of the yellow fever, in the West Indies, whither he had gone for the benefit of his health. His course of instruction in obstetrics, was able and satisfactory. Since the time of Shippen of Pennsylvania, and Tennent of the New-York Medical School, midwifery has been taught as a regular branch of education in every Medical College in the United States. See Dr. Francis's edition of Denman's Midwifery.

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Dr. RICHARD BAYLEY deserves an extended notice, but I am unable, at present, to furnish it. He was among the most eminent of the physicians of his time, and equally distinguished in medical and surgical practice. After a life of great activity and usefulness, he died of yellow fever which he contracted in the discharge of his official duties as Health Officer of the port of New-York, in August 1801, aged 56 years. His medical writings are, his Letter on Croup, addressed to his preceptor, Dr. Hunter of London, and his Account of the Epidemic Fever of New-York in 1795. They are sufficient evidence of his talents: his wide and disinterested benevolence is remembered by thousands.

NICHOLAS ROMAYNE, M.D. I am indebted to my reverend friend, Dr. Alexander M'Leod, of this city, for the particulars which follow of the life of Dr. Romaine.

He was born in the city of New-York, in September 1756, and obtained his elementary education at Hackinsack, in New-Jersey, under the instruction of Dr. Peter Wilson, the late professor of languages in Columbia College. About the commencement of the revolutionary war he went abroad, and completed his medical studies at Edinburgh. He also visited the continent, and spent two years for improvement in Paris. Upon his return to New-York, he commenced his professional career. He was advantageously known as an able private lecturer on many branches of medical science, and it is with pleasure I bear witness to his efficient instrumentality in the foundation of the College of Physicians and Surgeons. He was its first President, and gave instruction in that Institution on anatomy and the institutes of medicine. His Address, delivered at the first opening of the College, in November 1807,

is an honourable specimen of his diversified attainments and talent. He died in New-York in 1817.

“ Dr. Romayne,” says Dr. McLeod in his letter, “ was a man of strong mind, well cultivated and much improved by reading, by the society of learned men, and by travelling. I knew him in health, and in the midst of disease : in affluence, and in adversity. He had much self-command, though naturally of powerful passions, and very tender sensibilities. Bereaved of all his children in their infancy, he could not endure the recollection of their endearment. On the last evening of his life he gave testimony to a near friend of his respect for the scriptures. He departed too suddenly for me to see him on his death-bed.”

From a communication favoured me by my friend Dr. Mitchill, the vice president of the College, I extract the following interesting notices concerning the professional services of Dr. Romayne.

“ He returned from Europe when I was a young student, before the termination of the revolutionary war ; probably during the year 1782. His arrival excited considerable conversation, both here and in Philadelphia ; insomuch, that my curiosity was awakened to see him. He was reported to have improved his opportunities with singular diligence. This was, I supposed, the fact, for he had visited Paris, Leyden, London, and Edinburgh ; at the latter of which places, he went through the course of study required by the statutes of the University, and published a dissertation in Latin, according to the usage, on the formation of purulent matter, *De generatione puris*. It was said of him, that he composed it himself, without the aid of a *grinder*, or hireling writer or translator. Besides the knowledge of his own or the English tongue, he had attained more classical learning than the greater part of the members of the profession acquire. He could speak Low Dutch and French fluently. The circle of his acquaintance embraced

most of the respectable citizens. He was endowed with a goodly and healthy frame, and was exceedingly industrious ; wherefore he manifested a strong desire to rise and become conspicuous in the world.

“ He, accordingly, very soon displayed his knowledge of the human body, by giving private lectures on its anatomy, which were then very instructive to those who attended. For, though the course was by no means complete, it was, nevertheless, valuable as far as it extended.

“ Very soon after the enemy had withdrawn from this city in 1783, the exiled inhabitants returned, and the constituted authorities made it the seat of the state government. One of their early acts was, the revision of the charter that had been granted during the provincial administration, to King’s College. Among other alterations rendered necessary by the change of circumstances, was the appointment of a new board of trustees. Of these, Dr. Romaine was one of the persons nominated in the law.

“ He had, no doubt, imbibed high expectations from this new situation. But they do not appear to have been realized to any considerable degree. It pleased the trustees to constitute a faculty of physic, by the appointment of professors. The place of trustee held by Dr. Romaine was incompatible with that of professor. This restricted his activity, and he soon became impatient of the restraint. He had qualified himself for a teacher, but was now unemployed to lecture upon any branch of the profession. His situation became irksome on another account. His superior attainments in literature and medicine elevated him with high notions, and filled him with contemptuous notions of some who had been less fortunate in education than himself. He could not carry points as he wished, and the adoption of some measures to which he was opposed, induced displeasure and coolness, and finally led him, after some years, to resign.

“ The first faculty of professors having performed but small service, Dr. Romaine exercised his talents as a private teacher, and so assiduous and laborious was he, that he gave instruction on almost all the branches of professorial knowledge. Anatomy, practice of physic, chemistry, and botany, were taught by this extraordinary man ; and with such success, that he drew hearers from distant places, even from Canada.

“ After his separation from Columbia College, he found it expedient to procure academic honours, and more especially diplomas from some other seminary.

“ Dr. Romaine, from a variety of circumstances, being now, as it were, under the ban of the profession, discontinued teaching, and some time after made another visit to Europe ; during which he posted up the arrears of information, and modernized himself by the men he saw, and the institutions he examined.

“ There was not, however, much for him to do for several years after his return. At length opportunities offered of making him, by rapid steps, a most active and conspicuous member of the profession.

“ In 1806, an act was passed for incorporating medical societies for the commonwealth and its respective counties. By a sudden and singular change of sentiment, Dr. R. was called from his retirement, and elected the first president of the society for the city and county of New-York, on the first of July that year.

“ During the succeeding winter, on the resignation of the place of state delegate by the gentleman who held it, Dr. R. was chosen the delegate to the State Medical Society, in Albany. After taking his seat in the central body, he was promoted to the presidency of that association also ; and by such advances did he rise to honour.

“ The sway he had attained did not terminate here. The act herein beforementioned, for providing a College of Physicians and Surgeons, had been torpid or dormant ever since its passage

in 1791. The day was approaching when the regents of the University were to act under its provisions. Dr. R. found a great deal of business in medical matters and otherwise, to occupy him at the seat of government. Among other things, the solicitation of a charter for the aforesaid purposes, employed him in the most satisfactory manner. Though he was assisted by numerous and powerful supporters, he may be considered as the leading agent on the occasion ; and the person, probably, without whose urgent and pressing instances, the work would not have been completed. He was rewarded for his services by being selected as the first president of the new Institution in 1807."

Dr. WILLIAM MOORE. This ornament of the profession and of christianity, was born at Newtown, on Long Island, in 1754. His father Samuel, and his grand-father Benjamin Moore, were agriculturists. He received the rudiments of a classical education under the tuition of his elder brother, afterwards Bishop Moore, and President, for many years, of Columbia College. He attended the lectures on medicine delivered by Clossey and Samuel Bard. In 1778, he went to London and thence to Edinburgh. In 1780, he was graduated doctor of medicine, on which occasion he published his dissertation, *De Bile*. For more than forty years he continued unremittingly engaged in the arduous duties of an extensive practice, particularly in midwifery. He died in the 71st year of his age, in April 1824.

The medical papers of Dr. Moore may be found in the American Medical and Philosophical Register, the New-York Medical Repository, and the New-York Medical and Physical Journal. See also Francis's edition of Denman's Midwifery, Appendix.

For many years Dr. Moore was President of the Medical Society of the county of New-York, and an upright and vigi-

lant Trustee of the College of Physicians and Surgeons. On his death, the College recorded their testimony to his pre-eminent worth. With the consent of Dr. Francis, at that time Professor of Obstetrics in the College, I insert a part of his notice of this estimable man, as delivered to the class.

“ Before I conclude, permit me to pay my feeble tribute of homage and respect to the memory of the late Dr. William Moore, recently called from among us by the fiat of Providence ; a bright exemplar of the various and important qualifications demanded of the practitioner, in that department of the profession, the duties of which I have attempted to exhibit.

“ I am persuaded that I do not allow feelings of personal friendship to prevail over the decisions of the severest scrutiny when I assert, that no member of our profession has exhibited in his life and conduct, a more beautiful example of the dignity and benignant lustre of the medical character. Honoured for many years with his friendship, and admitted to the privilege of his conversation, I was early taught to look upon Dr. Moore with a respect and veneration which all my subsequent acquaintance with him served only to strengthen and confirm. Thousands among us can testify to the mildness and urbanity of his manners, to his tender and watchful regard to the suffering patient and sympathising attendants ; to his warm-hearted benevolence of feeling, and devotedness to the good of all whom his eminent attainments, or the lesson of a pure and unspotted life could profit ;—to his strictness of moral principle, and uniform devotion to the sacred obligations of religion.

“ It was but a few months ago, that the governors of this Institution were honoured with his co-operation and enlightened by his counsels. How great their loss has been can be known to those only who were acquainted with the liberality of his views, and his freedom from every mean and selfish bias.

“ Dr. Moore rose to his great eminence by the force of personal and professional merit. A liberal education had prepared him to commence, with advantage, his medical pursuits, and amid the toil and cares of his laborious career, he ever continued to recur with ardour and delight to those classical studies in which he had been imbued in his youth. Seldom, indeed, has it happened, that the two professions were adorned with such attainments, and such private excellence, as were exhibited in the instance of Dr. William Moore, and his brother the late pious and venerable bishop of the church. While we cherish their worth, let the regret at our bereavement give place to a noble emulation of their pure virtue and active benevolence.”

III. *Page 24.*

Upon the re-organization of the College of Physicians and Surgeons in 1811, I addressed a letter to Dr. James S. Stringham, at that time the professor of chemistry in Columbia College. From that publication the ensuing extracts are taken.

“ The following documents, taken from the records of the College, from the year 1792 to the present time, will show the very inconsiderable number of students who have resorted to this city for medical education, and the still smaller number of those who have completed their course of study, and received the medical honours of the College. Similar documents which I have received of the state of medical learning in the city of Philadelphia, for the same period of time, afford abundant evidence of the comparative success of the School of that city, and the stationary, if not retrograde condition of our own.

“ It is calculated that at least one hundred and twenty-five thousand dollars are annually expended in Philadelphia by the

medical students resorting to that city from different parts of the union.

Documents taken from the Records of Columbia College.

NUMBER OF STUDENTS ATTENDING THE MEDICAL SCHOOL.

38	students during the session of	1792-3.
43	do. do.	1793-4.
40	do. do.	1794-5.
39	do. do.	1795-6.
29	do. do.	1796-7.
29	do. do.	1797-8.
34	do. do.	1798-9.
21	do. do.	1799-1800.
34	do. do.	1800-1.
51	do. do.	1801-2.
40	do. do.	1802-3.
34	do. do.	1803-4.
48	do. do.	1804-5.
65	do. do.	1805-6.
55	do. do.	1806-7.
55	do. do.	1807-8.
50	do. do.	1808-9.
54	do. do.	1809-10.
64	do. do.	1810-11.

NUMBER OF GRADUATES.

2	received the degree of doctor of medicine in	1793.
4	do. do.	1794.
2	do. do.	1795.
2	do. do.	1796.
2	do. do.	1797.
1	do. do.	1798.
none	do. do.	1799.

none	received the degree of Dr. of medicine in	1800.
none	do.	do. 1801.
4	do.	do. 1802.
3	do.	do. 1803.
3	do.	do. 1804.
2	do.	do. 1805.
1	do.	do. 1806.
3	do.	do. 1807.
none	do.	do. 1808.
none	do.	do. 1809.
3	do.	do. 1810.

“ During the same period of time, the number attending the medical school of Philadelphia has been from two to four hundred ; during the last year they amounted to four hundred and fifty, of those, upwards of sixty received the degree of doctor of medicine.

“ I will not here enter into the inquiry to what causes the failure of the medical department of Columbia College is to be ascribed. Upon this subject I willingly divide with my colleagues any demerit for want of abilities, or censure for want of exertions to render it more respectable. But with the facts before me that have been detailed, and after the experience of nearly twenty years, seeing no prospect of any great accession to our number of pupils, I confess I became desirous of any change being produced by which the means of medical education in our city might be improved, but by which they certainly could not be rendered worse. I at the same time freely acknowledge, that with the hope of seeing a medical school created and organized in such manner as to reflect honour upon our city, and that its advantages might be commensurate with the wealth and commercial importance of the state of New-York, I did unite with other members of the medical society of this city and county, in soliciting from the Regents of the University, a charter incorporating a College of Physi-

cians and Surgeons agreeably to the act passed for that purpose, already referred to ; for I was certain, that nothing was wanting but unanimity in the profession, to establish a Medical School in this city, equal in the talents and learning of its professors, and in all the means of instruction, to any institution in this or any other country. With the view of contributing, as far as my exertions might enable me, to the accomplishment of this object, I accepted a professorship in the new College.”

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I may observe, that the Documents which I have inserted are copies obtained from the archives of the Honourable the Board of Regents of the University, and are duly certified by their secretary, Gideon Hawley, Esq.

TO THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW-YORK :

The memorial of Nicholas Romaine, doctor of physic, respectfully sheweth—

That your memorialist, in the year one thousand seven hundred and eighty-seven, instituted a College in the city of New-York, for teaching the various parts of science, comprehended in a course of medical education, in the most respectable Universities in Europe. That, from a commencement naturally small, and difficulties inseparable from the establishment of such institutions, he has now, after great labour and private sacrifices, brought his plans into full effect.

That during the winter sessions, beginning the first Monday in November, and ending the third Saturday in April, lectures are delivered on the practice of physic, anatomy, the institutions of medicine, midwifery, and surgery ; and in such manner, that two lectures are delivered a day, five days in the week, during the said session. And also, that during the summer sessions, commencing the first Monday in May, and ending the third Friday in August, lectures are delivered on chemistry, botany, and the materia medica ; and in such manner also, that the students of medicine have an opportunity of attending two lectures a day, five days a week.

That to promote the said Institution, the Corporation of the city of New-York have been pleased to commit to the charge of your memorialist, the sick in the Almshouse and Bridewell, whose diseases are registered, together with daily reports of the symptoms, the prescriptions, and the effects of medicine, for the farther improvement of the students of physic. And that during the winter sessions, clinical lectures are delivered every Saturday, on cases of the most importance, selected from the number of sick.

That your memorialist annexes to this memorial, an extract from the register of the said College, containing the names of students for the year one thousand seven hundred and ninety ; and likewise an extract from the register of the Almshouse, containing the names of the students of medicine who entered their attendance for the same year ; together with the last monthly return of the sick.

Your memorialist forbears to enlarge on the advantages which may probably arise from the said institution to such of the youth of this state as are engaged in the study of physic, of the neighbouring states, or the United States in general. The peculiar excellence of a medical school must greatly depend upon its connexion with a practical hospital—the want of which is lamented in seminaries for medical education in Europe, which have obtained degrees of celebrity. And in

the United States, though medical instruction is afforded at Boston and at Philadelphia, yet hitherto it is not connected with that practical information, which can only be obtained by diligent and assiduous attention to the sick. Your memorialist therefore prays, that the Regents of the University of the state of New-York will be pleased to take the said College under their protection, and direct such measures with respect to it as in their wisdom may tend to the important end of its institution.

(Copy.)

NICHOLAS ROMAYNE.

New-York, Jan. 11, 1791.

V. *Page 25.*

*Extract from the Minutes of the Regents of the University,
January 28, 1791.*

“ Doctor Moore from the committee to whom was referred the petition of Doctor Romaine, doctor of physic, setting forth, ‘ that he has instituted in this city a School or College for teaching the various parts of science comprehended in a course of medical education; and praying that the Regents of the University will be pleased to take the said College under their protection,’ made a report, which being read, was agreed to by the board, being in the words following, to wit :

That, in the opinion of this committee, the above-mentioned Institution, for the purpose of diffusing medical knowledge is well calculated to promote the general good, so far as it depends on this important branch of science ; and therefore that this institution merits the protection of the University.

That this University be pleased to express their approbation of the same, and cause the resolution containing such approbation to be entered on their journals.

That if, consistently with the laws of our Institution, no pecuniary assistance can be afforded, this board will at least appoint a committee to superintend, from time to time, the course of instruction which is given in the above-named Medical College, and to report at the next annual meeting of the University, what farther provision can be made to promote the interest of the same.

Resolved, That in the opinion of this University, the above-mentioned institution for the purpose of diffusing medical knowledge, is well calculated to promote the general good, so far as it depends on this important branch of science.

Resolved, That Doctor Linn, Doctor Moore, Mr. Verplank, Doctor Rogers, Baron Steuben, and Mr. Clarkson, be a committee to visit the above-mentioned school, instituted by Doctor Nicholas Romayne, for teaching the various parts of science comprehended in a course of medical education."



VI. *Page 25.*

TO THE CHANCELLOR, VICE-CHANCELLOR, AND REGENTS OF THE UNIVERSITY OF THE STATE OF NEW-YORK :

The memorial of Sir James Jay, knight, Samuel Nicoll, William Moore, Nicholas Romayne, Benjamin Kissam, Samuel L. Mitchill, and Richard S. Kissam, doctors of physic, respectfully represents—

That your memorialists, who have been regularly educated in the science of medicine, have long beheld with pain the

many evils which the community suffer from the very imperfect education which our youth receive in that science, in their native country.

That deeply affected with the melancholy scenes so often before them, of life, health, and prosperity, falling a prey to ignorance ; sensible that but a small part of our youth are able to support the expense of a regular medical education in foreign universities, and seeing no way to obviate these calamities in future, but by establishing a regular medical school in the state, under the inspection of the regents of the University, your memorialists are induced to solicit your countenance and assistance in a design expressly calculated for that purpose.

That truth obliges your memorialists to observe, that a proper system of education in almost any science, but especially in one so extensive and complex as that of medicine, can only be planned and conducted by men who have been regularly educated to it themselves. Nevertheless, your memorialists, wishing to give the fullest information and satisfaction respecting their design, think it proper to acquaint the regents, that they have agreed among themselves, that a certain number of their members shall severally give a regular course of lectures on the respective branches of the science allotted to them, so that every branch of the science, which the circumstances of things will admit of teaching, shall be regularly taught. Your memorialists ask no salaries, nor other emoluments from the regents, nor from the public : they rely solely on their own industry and success. Neither do they wish for an exclusive right to teach ; let any man teach who will ; let medical professorships be established where they may, your memorialists are not unwilling to enter into a competition that must necessarily tend to promote literature and the public good. Some share of public countenance is, however, necessary to the complete success of their undertaking ; so much at least, as is requisite to give it stability, and to excite industry and emu-

lation among the students : and this, indeed, is all your memorialists have to ask. Without stability, you, gentlemen, must plainly see, that the requisites essential to a complete system of medical instruction, such as a medical library, botanic garden, chemical elaboratory, and collections in anatomy and natural history, will ever be imperfect. Without the means of exciting industry and emulation, the most ardent endeavours of its friends and teachers will ever prove fruitless.

That your memorialists therefore request, that they, together with Samuel Bard, John R. B. Rodgers, and William Hammersley, doctors of physic, may be incorporated, agreeably to the seventh section of the act of the legislature, entitled, " an act to institute an university in this state, and for other purposes therein mentioned," passed the thirteenth day of April, one thousand seven hundred and eighty-seven ; with the powers, in respect to government and property, usually granted to any collegiate society ; and with the privilege of recommending to the University, for medical degrees, such of their students, as in the presence of the regents, shall pass with credit the several examinations which are appointed in the most celebrated universities in Europe, to ascertain the proficiency and merit of the candidates.

That the plan which your memorialists have in contemplation, is no other than what gave birth to the most celebrated school in Europe. That it was only to the public spirited exertions of a few young gentlemen, educated under the immortal Boerhaave, that the medical school of Edinburgh owed its rise, as it now owes to their pupils who succeeded them in teaching, the prominent rank it holds in the learned world. That, educated as your memorialists have been in that school, and honoured as they have been with ample testimonies from thence of their diligence and proficiency, they flatter themselves, that the regents of the University of New-York will

not pay so ill a compliment to American genius as to suppose, that what has been performed by other men, cannot be achieved by their own countrymen.

JAMES JAY,
SAMUEL NICOLL,
WILLIAM MOORE,
NICHOLAS ROMAYNE,
BENJAMIN KISSAM,
SAMUEL L. MITCHILL,
RICHARD S. KISSAM.

February 23, 1791.

VII. *Page 25.*

TO THE REGENTS OF THE UNIVERSITY OF THE
STATE OF NEW-YORK :

The Memorial of the Medical Society of the State of New-York, respectfully sheweth—

That this Society is just now informed, and not without some degree of regret as well as astonishment, that some medical gentlemen of this city have unadvisedly made application to your board, for an act of incorporation to constitute them a College of Physicians.

Although we apprehend there is little danger of a precipitate adoption of any measure of this nature by you ; yet, aware of its importance and disagreeable consequences, interested in the prosperity of medical science, and the respectability of our profession, and feeling ourselves, in a certain sphere, guardians of the harmony and peace of practitioners in the healing art ; we cannot suppose it our duty, to omit a seasonable interposition, or to hazard, in this instance, the effects either of surprise or management.

We are also constrained to observe, that as yet we are unable to conceive of any solid basis upon which these gentlemen applicants could found an elevating distinction in their own favour, which may, perhaps, prove invidious—a preference which operates to the exclusion of other medical characters, who might rest their claims either upon seniority, or upon an extensive and established reputation.

It is not without a regard to the honour of the University itself, that we declare it our opinion, that a measure of this kind, particularly at this time, would neither tend to general utility or happiness, to a beneficial influence upon the cultivation of medical knowledge, to the harmony and satisfaction of physicians, nor be consistent with that policy, which those who cherish these objects ought to pursue.

A plan of medical arrangements is now before the legislature, in which we repose a confidence of extensive utility; and we are therefore jealous of any institution calculated to interfere therewith, or to arrest its operations. Such measures have been also taken by this society to stimulate youth to industry and application, as appear totally to preclude the present necessity of an incorporated College of Physicians.

It is by no means intended, that this memorial should, in any degree, discountenance a medical school. Individuals who with assiduity prosecute this object, merit every encouragement. The field is open, and there is ample room for the professors of Columbia College to display therein their active abilities.

Your memorialists therefore pray, that the application alluded to above may not be complied with; and your memorialists, as in duty bound, will ever pray, &c. &c.

JOHN BARD, *President.*

JOHN CHARLTON, *Vice Pres.*

By order of the Medical Society,

JAMES TILLARY,

Secretary of Medical Society.

New-York, Feb. 15, 1791.

VIII. Page 26.

*Extract from the Minutes of the Regents of the University,
March 3, 1791.*

On motion, the board resolved itself into a committee of the whole to take into consideration the report of the committee to whom was referred the memorial of Sir James Jay, knight, and others, doctors of medicine, applying for an incorporation of a College of Physicians in this city, and a remonstrance, signed by John Bard as president, John Charlton as vice president, and James Tillary as secretary of the Medical Society, and the petition of Peter Dumont and thirty-two others, students of medicine in favour of the above memorial, and after some time spent thereon, the chancellor re-assumed the chair, and the vice chancellor from the committee of the whole reported, that the committee had gone through the said report by paragraphs and agreed to the same ; whereupon the said report was read and approved by the board, and is in the words following, to wit :

That in the opinion of your committee, the establishment of a College of Physicians would be an object of great importance to the interest of the community, as it might be rendered singularly useful in promoting medical science, and contribute essentially to the reputation and emolument of the state. It would not only prevent, in the opinion of your committee, the students of medicine in our own state from going abroad for the purpose of acquiring that knowledge, and those honours in their profession, that they might acquire at home ; but would attract the attention of young gentlemen of the neighbouring states who may desire to prepare themselves for the practice of physic, with usefulness and reputation.

Your committee, at the same time, beg leave farther to report, that the statute instituting an University within this state,

does, in no instance, contemplate the incorporation of Colleges or academies for the teaching exclusively of any particular branches of science, however important and useful, and that therefore the regency cannot consistently take any order on the foregoing memorial.

But considering the importance of such an institution, your committee are of opinion it would be proper for the regents to submit this subject to the consideration of the legislature.

Resolved, That the chancellor be requested to transmit a copy of the foregoing proceedings to the honourable the legislature.



IX. Page 26.

*Extract from the Minutes of the Regents of the University,
February 15, 1792.*

The vice chancellor, from the committee appointed to confer with the committee appointed by the trustees of Columbia College on the subject of a medical institution, made a report in the words following, to wit—

The committee appointed to meet with a committee of the trustees of Columbia College, on the subject of a medical school, beg leave to report—

That they met with the said committee, and were informed by them, that the trustees of said College not only had it in contemplation to institute a medical school, agreeably to their charter, as appears by the official papers on the subject delivered into your board at their last meeting—but that they had the business much at heart, and were actually proceeding in it as fast as possible—and that they did not doubt but that they would be able, very shortly, to effect it in such a manner as fully to answer all the important ends designed by the legisla-

ture, in the law passed at their last session, empowering the regents to erect such an institution.

They therefore requested the regents would suspend, for the present, any farther operations on the subject, until they shall see the effect of the measures Columbia College are taking on it, which they hoped would be to their entire satisfaction.

Resolved, That this board, agreeably to the request of the trustees of Columbia College by their committee, suspend, for the present, any farther operations respecting a medical institution, till they shall see the issue of that instituted by said College. And that the committee appointed last spring for preparing a charter for a medical school, under the law passed at the last session of the legislature for this purpose, be dismissed.



X. *Page 28.*

The fact of *one hundred and one* practitioners of medicine being constituted a board of trustees, is one of those adventurous experiments that are sometimes made for the purpose of accomplishing ends seemingly not attainable by sound and wholesome means. A more pernicious measure could not have been devised, and the occurrences marking the history of the College fully prove it such.

XI. Page 34.

Extract from the Report of the Regents of the University to whom was referred the Annual Report of the College of Physicians and Surgeons in New-York, 1814.

That it appears from the said report and documents, that an arrangement has been made and agreed upon between the professors of the said College and the medical professors of Columbia College, to effect a complete union between the two medical schools, by which all the professors of Columbia College agree to be transferred to the College of Physicians and Surgeons, for the purpose of giving medical lectures or instructions therein.

This arrangement has been approved and sanctioned by the trustees of the respective Colleges, and by the committee of the regents residing in the city of New-York. The trustees of Columbia College have consequently abolished the faculty of medicine of that institution. Your committee accordingly recommend, that the necessary appointments be made by the regents to carry the aforesaid arrangement of union into full and complete effect. From the medical College of New-York, thus united, and embracing the most eminent medical talents of the state, in one splendid seminary, the most beneficial consequences may be anticipated. All that appears now to be wanting, is a sufficient endowment to establish this institution on a respectable and permanent foundation.

XII. *Page 35.*

Besides these sources of information as to the number of students and the then existing state of the institution, we may refer to the messages and other official communications of the governor to the legislature, to the records of the regents, and to the addresses of the students.

XIII. *Page 40.*

The committee of the regents to whom the papers relating to the memorable contest in the winter of 1819-20, were referred, consisted of the venerable Chancellor Lansing, William A. Duer, Esq. and Simeon Dewitt, Esq. : the documents, forming no inconsiderable mass, were most patiently and diligently investigated by this upright tribunal. The professors exhibited both oral and written evidence in defence ; and had the gratification to enjoy the most signal triumph.

On this occasion, I consider it but justice to declare, that the talents and eloquence of Counsellor Emmet, a trustee of the College, were powerful auxiliaries in the struggle, exerted too, in the midst of arduous professional duties. And here I cannot omit to state, that a large share of gratitude is due to the disinterested exertion of my able colleague, Professor Francis, who on this, as on several other occasions of moment, was a delegate of the College to the honourable the board of regents. The storm having subsided, all will confess the extent of his services in support of the medical school, and his devotion and integrity in the cause.

XIV. *Page 42.*

Extract from the Annual Report of the Regents of the University, 1825.

In the College of Physicians and Surgeons in the city of New-York, the same number of professors still conduct the instruction afforded in that institution, that superintended its interests at the time the regents made their last annual report. The learning and sedulous zeal with which the professors endeavour to inculcate the “mysteries of the healing art,” has spread the fame of this seminary throughout the distant parts of our union. And already there can be enumerated among the pupils, the votaries of science, collected not only from the most remote of our sister states, but foreigners, who have afforded this flattering preference to the reputation of an institution founded and encouraged by the liberality of the legislature. It appears, however, that the pecuniary concerns of this College are considerably embarrassed. There is, however, good reason to expect, that the trustees will soon be enabled to adopt a system of finance that will gradually extinguish the whole debt in the process of a few years. This College is still partaking of the bounty of the legislature, in the annual receipt of five hundred dollars from the treasury.

There were one hundred and ninety-five students who matriculated during the last session, out of which number fifty have been recommended to the regents, upon examination, as meriting the degrees of doctor of medicine; which were accordingly conferred.

XV. *Page 43.*

I have concluded to omit, at this time, the publication of these approbatory reports and documents. They would extend the Appendix to too great a length. The inquirer may find them in the archives of the regents.

XVI. *Page 45.*

Justice requires that I should state, that I assumed the office of expositor, so far as I was able, of the actions of my colleagues and of myself before this tribunal: the duty was voluntary, and to me, most gratifying. My friend, Professor Francis, was the other member of the committee of the professors. I believe the opposition did not invalidate a single declaration we advanced before the committee. They had unwittingly committed themselves, and blushed at their own temerity. The succeeding reports of Col. Troup will place this subject in its proper point of view.

XVII. *Page 46.*

Notwithstanding the length of the reports to the regents presented by the venerable Colonel Troup, I am induced to republish them here because of their ability, and the very satisfactory character of their contents. They are, moreover, from the pen of one who has been long recognised as among the most eminent of our citizens. The decision of such a man none will question. It was flattering to the professors, that after the most patient investigation, they were again victors.

At a Meeting of the Regents of the University, on Thursday evening, March 31, 1825, the following report was presented.

The committee to whom was referred the memorial of the trustees of the College of Physicians and Surgeons in the city of New-York, complaining of the conduct of the professors in relation to the affairs of the said College, and proposing remedies for evils said to be occasioned by the system under which the affairs of the College are managed ; and also the remonstrances of the professors of the College in answer to the said memorial ; and also the memorial of the late graduates of the College, in support of the said answer, together with other documents respecting the premises, beg leave respectfully to report—

That your committee have been attended, as well by the trustees, as by the professors of the College, and have patiently heard the allegations of the parties, and the proofs adduced in support of them.

Your committee are happy in being able to say, that they have found no cause for criminating the motives or integrity of either of the parties, with regard to the affairs of the College ; and consequently your committee, in the course of their inquiry, have experienced all the pain which could not fail to be created by a warm controversy between very respectable members of society ; and more especially as they are all usefully engaged in the practice of that noble art, on which, under the kind protection of Providence, the blessings of health materially depend.

If any thing has occurred to mitigate the pain experienced by your committee, it was, that the inquiry has fully established the important and consoling fact, that the College, notwithstanding the unfortunate controversy, has risen to such a lofty eminence, as to stand at least on a level with the most celebrated schools in the United States ; whether we consider the

learning and skill of its professors, the number of its pupils, or the different parts of the world from which the pupils come. That the College may not only maintain this lofty stand, but may rise to greater height, must be the sincere and fervent wish of every citizen, whose bosom swells with the love of his country, and pants for the increase of her literary fame.

Your committee know full well that such is the wish of the members of this board, to which the state, in its legislative wisdom, has committed the guardianship of the precious interests of literature. But this patriotic wish, in the decided opinion of your committee, can never be realized without union of sentiment, and concert of action between the trustees of the College and the professors ; as without union of sentiment, and concert of action between them, it must be palpably evident that the College will be a house divided against itself ; and being divided, it will be sure to totter and in the end to fall.

Your committee scarcely need remark to this enlightened board, that it is not uncommon for professional men, whose minds are stored with knowledge, to view professional objects through different mediums : hence, as from a fruitful source flow different opinions, which, though dictated by honest conviction, in the discharge of public duties, sometimes league themselves with the angry passions, and thus engender acrimonious and lasting disputes. So acrimonious and lasting are these disputes as generally to baffle, from time to time, all attempts of mutual friends to settle them, and bring the parties back to that cordial understanding with each other, which is necessary to render their joint labours in a public work, as beneficial to the community as could be desired. To cast reproach, however, on honourable men, for thus yielding themselves to the power of such disputes, would be to betray an ignorance of the imperfection of our nature, and perhaps your committee ought to add, an ignorance of the principles of our happy form of government ; which, by opening the hu-

man mind, and ridding it of every restraint, gives the amplest scope for the exercise of its various faculties.

Your committee observe with extreme regret, that they are constrained to believe from the unhappy circumstances which have created, and yet nourish and sustain the controversy between the trustees and the professors of the College, that it does not now admit of any cordial reconciliation, nor that it would be of long continuance.

Having this belief deeply impressed on their minds, your committee think they see a strong improbability, that the regents, by suffering the affairs of the College to remain under the present defective organization of the board of trustees, will place insuperable obstacles in the way of the glorious march which the College seems to be rapidly making towards an increase of reputation and usefulness. To prevent an evil so pregnant with injury to the honour of the state, and to the cardinal interests of society, becomes an imperious duty on the part of the regents ; and your committee is persuaded that the regents are prepared to perform the duty with all the fidelity called for by the critical situation of the College, and the high and responsible trusts reposed in them.

Influenced by these sentiments, but disclaiming every idea of imputing blame to any or either of the parties, and professing, in real sincerity, great respect for their characters, your committee feels itself reduced to the painful necessity of recommending to the regents to re-organize the board of trustees, by an entire change of the general character of the trustees of the College, in the appointment of gentlemen who are *not* practitioners in medicine. In pursuance of this recommendation, your committee, with great deference, submit to the consideration of the board, the following resolutions, to wit :—

Resolved, as the sense of this board, That the charter of the said College be so amended as to interdict any future appointment of practitioners in medicine, to be trustees of the

said College ; and to provide for the appointment of no greater number than thirteen trustees to manage the affairs of the College : and also providing, that the president and vice president of the said College, shall be ex-officio trustees of the College, in order to preserve to the College that professional character which is indispensable to its prosperity and its fame.

Resolved, as the sense of this board, That immediately after the charter of the said College shall be amended as aforesaid, this board will proceed to the choice of trustees to manage the affairs of the College.

Your committee are informed, that the medical schools in our sister states, are under the direction of gentlemen who are not practitioners in medicine ; and thus, if the measure recommended by your committee should be adopted, the board will go into a practice which experience elsewhere has proved to be productive of very salutary effects.

Your committee are sorry to state, that there is due from the College a large debt, which presses heavily on its funds. The growth of this debt to its present unwieldy size, is owing in some degree, as your committee conceive, to the improvident, though upright management of the fiscal concerns of the College. For the purpose of the gradual extinguishment of the debt, your committee further recommend to the board, to require each of the professors of the College, hereafter, to contribute annually and gratuitously to the funds of the College, the sum of ten per cent. on the amount of his annual instruction fees, over and above the fees paid for matriculation, until the debt shall be finally liquidated. Your committee suppose that the contribution will not be deemed a burdensome charge by the professors, when they take into account the handsome emoluments which they must receive from their offices.

All which is respectfully submitted,

ROBERT TROUP, *Chairman.*

SECOND REPORT.

The committee who made a report on the 31st ultimo, on the memorial of the College of Physicians and Surgeons in the city of New-York, and the documents accompanying it, and to whom it was referred to inquire and report on the subject of the professors receiving fees from the pupils for private lectures, while the same pupils are attending the public lectures, and the expediency of adopting regulations relative thereto ; and also to report on the policy of prohibiting the taking of more than one matriculation fee from each pupil ; and also to inquire into the situation of the debts due from the College, to whom due, and how the security for the same may be effected by the modification of the charter as proposed in the said report, beg leave respectfully to report—

That three subjects are embraced in the reference to your committee, to wit :

1st. The receipt of fees by the professors from pupils who attend private lectures, while, at the same period, they also attend the public lectures ; and the expediency of adopting regulations relative to the same.

2d. The policy of prohibiting the taking of more than one matriculation fee from each pupil.

3d. The situation of the debts due from the College, to whom due, and how the security for the same may be effected, by the proposed modification of the charter.

As the first subject of reference, your committee observe, that all the professors receive pupils into their offices, and that these pupils may be divided into three classes, viz.

1st. Those who commence the study of medicine with professors, and continue with them during the whole term of study, and until they shall have received their degrees.

2d. Those who have previously studied under the direction of practitioners, either at home or abroad, during a part of the

term of study, and shall afterwards enter the offices of professors, in order to complete the remainder of the term.

3d. Those who while attending the several College lectures do, at the same period, enter the offices of the professors.

There is no fault whatever found by the trustees, as your committee understand, with the professors, for receiving the pupils mentioned in the two first classes. In receiving these pupils the professors have merely exercised a right common to all practitioners in medicine, and which this board could not attempt to disturb, without doing an act that would justly be considered as an infringement upon private right.

The trustees, however, strongly censure the professors for the practice of receiving into their offices, the pupils mentioned in the third class; and the cause of the censure is a suspicion that the practice has been converted into an instrument for introducing a system of favouritism among the professors towards the pupils of the third class, which system has led the professors, on examination, to pass the pupils, and afterwards recommend them for degrees, when in reality the pupils ought not to have been passed, and ought not to have been recommended. From this view of the cause of the censure, it is obvious, that if the cause be true, the professors must be deficient in integrity, and consequently a just apprehension would be excited, that in a short time the reputation of the College would be blasted. The serious tendency, therefore, of the censure, has imposed on your committee the duty of examining the cause of it with careful attention, and it affords them particular pleasure to assure this board, that after such examination, they are convinced the cause is entirely without foundation. The grounds of their conviction will appear in the sequel of this report.

Your committee would here observe, that the practice of professors, in taking pupils into their offices during the period of the public lectures, is coeval with the existence of all the medical schools in the state; and accordingly the practice has

been followed by the professors of the College of Physicians and Surgeons in the city of New-York. A similar practice prevails with the professors in the very eminent medical schools established in Boston, Philadelphia, and Baltimore, and your committee subjoin that the like practice prevails with the professors of the most distinguished medical schools in Europe.

The pupils voluntarily enter the offices of the professors where they expect to enjoy advantages in instruction which they cannot meet with in the public lecture rooms. The advantages consist in having recourse to the professors' private libraries, and in uniting theory and practice together; for while the professors are, on the one hand, imparting to the pupils the elementary principles of science, they are, on the other hand, applying these principles to actual practice, by admitting the pupils to the benefit of inspecting the daily medical preparations in their offices, and of witnessing their clinical practice in the lower classes of society.

The advantages thus enjoyed by the pupils, place them in a more favourable situation for gaining knowledge, than the pupils who only attend the public lectures, for the latter can make use of no other library than that of the College, and are deprived of all opportunity of seeing the practice of medicine, except so far as it is exhibited in the hospital in the city of New-York, where the practice must, necessarily, be more limited in the variety of diseases than in the circles of the professors' private practice. That these advantages conduce to the advancement of medical science is plain to your committee, and of course, they think a custom producing an effect so beneficial, should be encouraged, instead of being totally or partially prohibited. A total or partial prohibition might indeed be proper if the time devoted by the professors to the pupils, in their offices, interfered with the time necessary to the due discharge of their duties as public lecturers, or if there existed any ground for believing in the system of favouritism already noticed. But your committee are happy to state, that

not the least evidence has been offered to them by the trustees, nor have they insinuated that the professors have denied to the College any part of the time requisite to the faithful discharge of their public duties.

And as regards the system of favouritism, the committee have before expressed their conviction, that it is entirely without foundation. The circumstances which have produced this conviction your committee will now proceed to submit to the board.

In the first place, the trustees expressly acknowledge to your committee, that the system of favouritism rested wholly on the basis of suspicion, without any evidence to support it, but notwithstanding the total absence of evidence, one of the trustees declared his belief that the suspicion was well founded. The other trustees confine themselves to a declaration, that the suspicion was afloat in the city, and declined intimating that they either believed or disbelieved it.

In the second place, it was shown to your committee, that no pupil, whose attainments have been approved of by the professors on their private examination, which is called their first or trial examination, has, upon the second examination, which is a public one, before the board of trustees, been rejected by that board; while on the contrary, there are several cases where the pupils, whom the professors, at the full trial examinations, pronounced unqualified, and have accordingly refused to bring before the board of trustees for a second examination, have, on an appeal to the board, been allowed a second examination, which has resulted in the recommendation of them by the board to the regents for degrees.

In the third place, there was shown to your committee a particular instance wherein a pupil who had been five years in the office of a professor, and had likewise regularly attended the public lectures, was deemed by the professors decidedly unqualified for a degree, and yet that very pupil was after-

wards recommended by the board of trustees for a degree, and he obtained it.

In the last place, the extensive and lucrative private practice of most of the professors, renders it improbable that they could debase themselves by the use of corrupt means to procure a small addition to their annual emoluments ; and the high reputation of all the professors for the virtues which should govern the conduct of good men and good citizens, utterly forbids the idea of their departing, in the execution of their very important trusts, from that straight line of probity which every consideration, whether of private or public duty, imperiously requires them to observe.

The conclusion which, agreeably to the ordinary rules of fair reasoning, your committee is bound to draw from the circumstances above stated, is, that the suspicion of favouritism by the professors, towards those public pupils who likewise enter their private offices, is not entitled to the slightest notice from the regents ; and, as the custom of taking public pupils into the private offices of the professors does not appear to have been attended with any abuse, your committee are unable to assign any reason, in point of expediency, why the custom should undergo the regulations of this board.

As to the second subject of reference, your committee remark, that the matriculation fees above demanded of the pupils are less than those demanded in the medical schools of some of our sister states. Those fees do not go into the pockets of the professors, but into the College funds—are taken in part to enlarge the College library, but chiefly to pay the interest of the College debt. The pupils themselves do not, to the knowledge of your committee, complain of the fees as improper or oppressive ; in addition to which the pupils derive an immediate benefit from the payment of the fees, by being privileged, on account of the payment, to have access to the College library : for which reasons your committee are opposed

to the policy of prohibiting the receipt of more than one matriculation fee from each of the pupils.

As to the third subject of reference, your committee have to state, that the College debt consists of bonds to Mr. Augustus H. Lawrence, to Professor Post, and to Professor Francis, and also of notes to the different professors. The security of these debts cannot, in the judgment of your committee, be in any way affected by the proposed modification of the charter. By a change of the present trustees, and substituting others in their places, the corporation of the College will continue in full life, without the least diminution of its competency, or liability to pay its debts; and the rights of the creditors of the corporation cannot be at all impaired, nor their interests endangered, by putting the direction of the College into the hands of trustees *who are not of the medical profession*.

All which is respectfully submitted,

ROBERT TROUP, *Chairman*.

A true Copy,

G. HAWLEY, *Secretary*.

Albany, April 6, 1825.

XVIII. *Page 52.*

As I have already inserted the two reports of Col. Troup entire, this reference to those documents may be deemed unnecessary.

XIX. *Page 54.*

That during the whole duration of the College, from its foundation to this session, when the charge of favouritism was

so unblushingly preferred, not a single instance could be found in anywise countenancing this accusation, is a fact precious to the feelings of the professors. Each individual trustee, when questioned by the committee, was compelled to deny his knowledge of any fact that could warrant this charge.

XX. *Page 58.*

This practice of receiving private pupils, by professors of Medical Colleges is, I believe, universal. We find it to have been in an especial manner the case with the professors of the Edinburgh University, near a century ago, with whom it continues in its fullest extent to the present day. It was the boast of Boerhaave, that he enjoyed the countenance of students, both public and private. A more daring invasion of private rights than the one here mentioned, has scarcely ever been attempted.

XXI. *Page 60.*

Dr. Johnson, in his life of Garth, gives it as his opinion, that every man has found in physicians great liberality and dignity of sentiment ; very prompt effusion of benevolence and willingness to exert a lucrative art where there is no hope of lucre. The late distinguished Dr. Parr, in his letter to Dr. Percival, remarks—" I have long been in the habit of reading on medical subjects, and the great advantage I have derived from this circumstance is, that I have found opportunities for conversation and friendship with a class of men, whom, after a long and attentive survey of literary characters, I hold to be the most enlightened professional persons in the whole circle

of human arts and sciences.” Other authorities might be cited of corresponding opinion ; and from ample experience I can most cheerfully yield my testimony in corroboration ; yet candour compels me to admit there are numerous exceptions. The able Regent, Lieut. Gov. Talmadge has very properly and safely declared, that our College disagreements originated in the main from professional rivalry.

XXII. *Page 62.*

From the able and luminous report of Lieut. Governor Talmadge, the chairman of the committee appointed to visit the College of Physicians and Surgeons in the city of New-York, the following extracts are made : they must suffice for the present. The whole report is deserving the careful perusal of every man interested either in our medical or literary institutions. This report was drawn up agreeably to a resolution of the regents, passed in April 1825, and was made to that body in January 1826.

On the funds and finances of the College, the report states, “ The committee called for any suggestion or knowledge of any misapplication or mismanagement of the funds and finances of the College. They were happy to find there was no suggestion or pretence of any misapplication or abuse of the funds and finances of the institution on the part of any individual, or by either the professors or trustees of the College. Several of the trustees here explained, and said their communications appeared to have been misunderstood by the regents, and also by the committee. They were not intended as charges against the professors ; that they were not accusers, and had no complaints to prefer. But their communications were made in the performance of their duty as trustees, and intended only to procure a re-organization of the charter, and

better regulations for the government of the institution, and the more economical management of its concerns."

On medical students, it sets forth: "The committee called for some proof of any instance of favouritism, or oppression, against any candidate, by either professor, or trustee; and especially, if any instance could be shown, where a candidate had been favoured, because he had been in the office of one or more of the professors; or had been oppressed, because he had been a student in the office of a trustee? The inquiry was diligent, but ineffectual, to establish any such case. The trustees insisted, that proof ought not to be expected—that the circumstances did not admit of proof. The motives which might influence a student to give preference to a professor's office, or to enter, at the same time, into more than one office, or the bias it might produce on the professor's minds, could not be matter of proof. It was said, the moral effect was evinced, from the relation in which the parties were placed, and from the attitude and power of the professors over the students, and the evils were to be inferred from the circumstances.

"In the absence of proof, the case rested wholly upon inferences, which were pressed with great force, upon the consideration of the committee. It was represented, that the College would never attain any considerable eminence, under its present regulations, which were so replete with incongruous provisions. In this latter position only, both professors and trustees seemed to accord. The committee required of each to submit the alterations and amendments, which were deemed so essential to the welfare of the institution. Various propositions were submitted, and which are herewith delivered over to the regents. The principle of these propositions require, on the one hand, that an ordinance should be passed, making the professors depend on a specified salary, and prohibiting the professors from taking any "winter students"; in order to elevate the character of the College, by a more rigid and en-

tirely impartial examination of candidates for diplomas : and on the other hand, that the trustees should be removed from their places ; or that the examination of candidates, and the care of the instruction in the College, be placed wholly with the professors."

The report then notices the peculiar forms of government existing in the University of Maryland, of Pennsylvania, of Massachusetts, &c. and proceeds : " From the preceding references it appears, that the medical faculty of other institutions *have the immediate government of their Colleges, with the power of the examinations and the right of recommending candidates for degrees*, to a board of trustees, answering to ' the regents ' in this state, and without any intervening body of medical trustees, vested with power to control the examinations and recommendation of candidates for degrees. A recurrence to the rise and progress of " The College of Physicians and Surgeons in New-York," through its various mutations and regulations, from its commencement to this time, shows that it has hitherto been conducted under the immediate guidance of medical professors and medical trustees, subject to a negative of the regents. The first proposition in 1791, for its incorporation, was accompanied with opposition and a remonstrance, signed by the president and secretary of the medical society. Subsequently from that time, differences in the government of its concerns have been uninterrupted, and collisions have been unceasing. At the last examination of candidates these differences arose to personal altercations between professors and some of the trustees, in presence of the students. Their continuance is injuriously indicated to the public, by two conflicting notices for the commencement of the lectures this last term. The one from the professors, the other from the trustees. It is, however, with feelings of conscious satisfaction, your committee are enabled to state, that these differences and collisions appear to have been confined within the body of the professors and medical trustees : and

that they have in no instance extended themselves to produce injustice by partiality or oppression to any student or candidate. In the meanwhile, the College has continued to advance in prosperity, and has retained its number of students, notwithstanding other medical schools have since been established in most of the other states; and one other in this state, denominated "the Western College of Physicians and Surgeons," which is also in a flourishing condition, and well attended. To have sustained itself against such competition, is proof of its increasing strength; and which is yet more certainly demonstrated by a reference to its students, which have been collected not only from this state, but from most of the other states, the Canadas, and even the West India islands. The fame of the College as a medical school, combining very many advantages for improvement in that department of science, has become widely extended, and from its importance, general utility, and admitted facilities in education, it seems to have attained a high degree of eminence.

"Perhaps it will no be matter of surprise, that disagreements have arisen in the management of this College, between the professors and the trustees and medical societies, when it shall be recollected those bodies are composed of practising physicians, and candidates for the same patronage; and that most, or all of the trustees, are also members, and many of them officers of the medical societies. The advantages incident to a professorship, may furnish causes of excitement. The duties of a professor do not impede or hinder him from the ordinary pursuits of his private practice. Probably it is even increased in the particular department, by his place of a lecturer. Upwards of one hundred and fifty intelligent young gentlemen, annually brought about him in habits of intimate friendship, in the attendance upon the lectures, carry home with them the kindest feelings of respect, and more widely spread, in their respective places of residence, the fame of their professors."

After suggesting various measures for the better regulation of the College, the report concludes—"Should the regents approve of these recommendations, and any doubts be entertained as to the power of the regents to amend the charter of the College, so as to carry the suggestions into full effect, the committee believe the evident utility and necessity of new regulations on this subject, would induce the professors and trustees, upon application from the regents, to give their corporate assent to the alterations. Legislative interposition may otherwise become necessary. But the provisions recommended in regard to the filling of vacancies in the board of trustees, from persons not concerned in medicine, till they constitute the one half of the number, will however carry into effect and accomplish the principal means desired to secure harmony in the institution.

"From the preceding remarks, it will be apparent that the opinion of this committee is decidedly against granting the prayer of the trustees in their memorial of the 6th of January, 1825, in which the trustees ask the regents 'to vest them with the power of regulating all the affairs of the College, and to delegate to the trustees the power of making their own by-laws and regulations.' In the opinion of this committee, a surrender of these important powers and authority by the regents would be inconsistent with the high duties which they owe to the people of this state, and would, under existing circumstances, be altogether inexpedient for the interest of the College."

See also Journals of the Legislature of New-York.

XXIII. Page 62.

Extract from the Annual Report of the Regents of the University.

IN SENATE, April 13, 1826.

“ In the College of Physicians and Surgeons in the city of New-York, the number of students matriculated for the present year is only one hundred and fifty-eight, which is less by about forty than the number reported for the last year. Thirty-four of these students have recently been admitted, by the regents, to the degree of doctor in medicine. The internal discord between the trustees and professors, at length become inveterate, and, as the regents apprehend, hopeless as to all remedies within *their* power, has materially retarded the growth of this institution, and disappointed the high expectations of its founders. A new organization of this institution seems to be not only necessary, to enable it to impart benefits to the public, but indispensable to the preservation of the public property, vested in the College. The regents doubt their powers to make the required new organization. Experience, however, has demonstrated, that the management and government of this College should be confided to departments separate and distinct in their several duties and authorities ; professors charged with the care and education of the students ; governors to hold, direct, and administer its pecuniary concerns ; and visitors annually to attend the examination of students, and to inquire into and report upon all the concerns of the College, would, in the opinion of the regents, preserve its present funds, and secure its future peace and usefulness. They respectfully recommend this subject to the particular and prompt attention of the legislature.”

XXIV. *Page 63.*

With peculiar satisfaction I give place to the following documents on the powers of the Regents. They express the opinion of an able counsellor, on a question of great moment.

Mr. Spencer, from the committee on literature, to whom was referred the report of the Regents of the University, made in compliance with a resolution of the senate, respecting the power of the regents to grant acts of incorporation, under the new constitution, reported as follows, to wit :—

By the 9th section of the 7th article of the constitution, it is provided, that the “ assent of two-thirds of the members elected to each branch of the legislature, shall be necessary to every bill for creating, continuing, altering, or renewing any body politic or corporate.”

It is conceded by the regents, in their report, and must be admitted by every one, “ that the legislature could not now pass a law to create a corporation, with powers similar to those conferred on the regents, without the assent of two-thirds of each branch ;” for this obvious reason, that the legislature could not do that indirectly which it is prohibited from doing directly. And it could not be done directly, because it would be repugnant to the constitution. The irresistible inference then would seem to be, that any law authorising the creation of incorporations, in a manner different from that prescribed in the constitution, would be repugnant to its provisions, whether such a law existed before or after the adoption of that instrument. The act conferring that power on the regents, is therefore, repugnant to the constitution. And by the 13th section of the 7th article, all such laws as are repugnant to the new constitution, are expressly abrogated. The power in question then is rescinded, unless it is saved, as the regents suppose, by the 14th section of the same article, which

declares, "that nothing contained in this constitution shall affect any grants or charters made by this state or by persons acting under its authority." After the best reflection the committee have been able to bestow on this clause, they cannot perceive that it affects the power in question. What is that power? It is a mere substitution of the members of an incorporation to execute the powers of the legislature. They are, in that respect, the agents or attornies of the legislature. The term grant, implies some property or value ceded; and it is so used in other parts of the same article. The chartered rights of the corporation of the regents of the University, are undoubtedly protected. But is the power in question, one of those vested interests, which are the subject of any charter? It cannot be compared to the right of holding property, of managing and distributing the funds of the corporation, or to any other right given to the regents, or to any other body politic. It is a delegation of legislative power, which the state can unquestionably resume when it pleases. The committee think it has been resumed by the constitution, when it prescribed a particular mode of creating corporations, and abrogated all laws inconsistent with it.

It is with great deference to the opinions of the regents, and with unfeigned reluctance, that your committee has arrived at this conclusion. But having come to it, they cannot withhold its expression. At all events, they think there is so much doubt on the subject, that property invested in the incorporations granted by the regents, ought not to remain in that precarious situation. They therefore recommend the passage of a bill, which they have instructed their chairman to introduce, confirming the charters granted by the regents since the adoption of the constitution, and providing that before any application for the incorporation of a College or Academy shall be presented to the legislature, the same shall be submitted to the regents of the University, and their opinion thereon obtained.

Ordered, That leave be given to bring in such bill.

Mr. Spencer, according to leave, brought in the said bill, entitled, "An act respecting applications to the legislature for the incorporation of Colleges and Academies, and to confirm certain charters granted by the regents of the University," which was read the first time, and by unanimous consent, was also read a second time, and committed to a committee of the whole.

Ordered, That the said bill and report be printed.

See Journal of the Senate of the state of New-York, 48th session for the year 1825, page 355.

Mr. Spencer from the committee on literature, in obedience to a resolution of the senate, instructing them to inquire and report, whether the regents of the University are within the purview of the 1st section of the 9th article of the constitution, which limits the duration of the commissions of civil officers to the 31st day of December, 1823, reported as follows, to wit;—

That two of the committee are of the opinion that the regents are not civil officers, within the meaning of the constitution. The provision in the former constitution, which prohibited the chancellor and judges of the supreme court from holding any civil office, was not deemed to extend to the place of regents, as it is known that one chancellor and several judges held that appointment.

The chairman of the committee differs from the other members of it, and is of opinion that the duties to be performed by the regents, being altogether of a public nature, and forming a part of the general administration of the government, they having no private interest or benefit whatever in the powers of the corporation, and being appointed and subject to removal by the legislature, all indicate that they are as much civil officers as the commissioners of the land office, or the canal commissioners, or the superintendant of the salt works.

They hold commissions precisely similar to those of the canal commissioners, the attorney-general, comptroller, secretary of state, surveyor-general, and treasurer, and he, therefore, cannot perceive the difference between the regents and those officers ; although he believes the practice under the old constitution to have been, in some instances, as above stated ; yet he cannot acknowledge the authority of such a practice in settling the construction of the constitution, especially when he is informed that it has always been questioned.

Ordered, That the same report lie on the table.

See Journal of the Senate of the state of New-York, 48th session, for the year 1825, page 363.



XXV. *Page 67.*

Although I have already made ample extracts from this report of Mr. Spencer, I am induced to republish, in this place, the whole entire. It is one of those able and fearless productions which the exigency of our collegiate contest required, and which enlarged and sound principles dictated. The report will be read with deep interest and perfect conviction by every independent citizen. Whatever differences of opinion might have previously existed with the members of the honourable the senate, an entire concurrence in sentiment was produced by the lucid statement of Mr. Spencer. One might have thought that the duty of re-organizing the College had become imperative on *both* houses of the legislature.

IN SENATE, February 28, 1826.

Mr. Spencer, from the committee on literature, to whom was referred the communication of the regents of the University, respecting the College of Physicians and Surgeons in the city of New-York, reported as follows :—

The communications of the regents and other documents submitted to your committee, show that the College of Physicians and Surgeons in the city of New-York is at this time in a most deplorable condition, and that, without some prompt and effectual interference, that institution will be utterly destroyed, the public property wasted, and the objects of former legislative munificence wholly disappointed. Your committee are alike strangers to the persons, interests, or views of any of the contending parties, and having no other motive than the public good and the promotion of the best interests of medical science, they feel it to be a solemn duty to state, distinctly and directly the true circumstances of the case, in order to exhibit the propriety and necessity of the remedy they mean to propose.

On the very institution of the College, it encountered opposition from the medical gentlemen attached to the faculty of Columbia College, and a long series of contentions and difficulties ensued. When these were reconciled, the same spirit broke out in the College itself, and the trustees have long been arrayed in the most inveterate hostility against the professors. It would answer no good purpose to detail these contentions, alike reprehensible and injurious ; but it will be sufficient to observe, that they have occurred in public meetings of the board of trustees, of which board the professors are likewise members, in the public examinations of pupils, and in the presence of the latter, and that they have been most conspicuously manifested in the communications of the respective parties to the regents, and in newspaper publications. The cause of these differences is to be found in a radical error in the organization of the College. The trustees seem to be placed there for no earthly purpose, but to superintend funds to which they in no way contribute, and to recommend for degrees pupils whom they do not instruct. In the exercise of this last duty, a full opportunity is given for the indulgence of those feelings of rivalry and jealousy, for which the medical pro-

fession is unfortunately somewhat distinguished, and which are exerted and fomented by the greater reputation and practice which the occupation of a professor's chair gives to the incumbent, over trustees practising in the same sphere, who have not the same advantage, and who are, therefore, prompted by the most ordinary principles of human nature, to maintain their own consequence by depreciating that of their competitors for public favour. And a better system for the creation of discord could not well be devised, than that which thus arrays members of the same profession against each other, and prompts them to contention by all the hopes of reputation and fortune.

There can be no doubt, therefore, that one of these bodies must be destroyed, or they will destroy the institution. The College cannot be continued without professors ; and whether the present incumbents were continued, or a new set appointed, the consequences would be the same, as long as human nature remained the same. The trustees, in a late publication, object to the professors being members of the board of trustees, and allege that their removal from that board would restore harmony. But it appears to your committee that such a measure would have an effect directly the contrary. As members of the board of trustees, the professors attend the examinations of the pupils, and take a part in deciding on their fitness for degrees. In the existing state of feelings between the trustees and the professors, and which always must continue under the present system, the students would have strong reasons to apprehend a severe, if not an unfair examination, without the presence and protection of the professors. In confirmation of this conclusion, your committee remark, that from all they can learn, as well from the communication of the regents, as from the returns, reports, and addresses to them by the College officers, we cannot discover that the trustees have yet done any thing towards effecting the purposes of the institution, but on the contrary, that all their acts have tended to its injury. They

have wasted the funds ; they have suffered the College to run in debt to the amount of \$21,000 ; they have done all they could to deter students from attending ; they have disregarded and defied the ordinances of the regents of the University—they have created cabals among other physicians, and have enlisted the state medical society, most unworthily and improperly, in their opposition to the regulations of the regents. Your committee have not hesitated, therefore, to recommend that some prompt and effectual means be adopted to abolish the board of trustees. It is probable that there has been such gross abuse and *misuser* of their offices by many of the present trustees, that they might be removed by legal proceedings. But in the meanwhile, the College suffers, and new incumbents would soon follow in the same path and be engaged in the same scenes of contention. A more effectual remedy will be found in the repeal of the charter of the College, and in the organization of a new institution. All means short of this, your committee are convinced, will be utterly inefficacious.

The only remaining question is, whether the legislature has power to repeal the existing charter. Your committee can see no reason to question it. The College is not a private institution ; its funds have been contributed wholly by the state, which has endowed and is the founder of the institution ; its objects are public and general, and no citizen has any sort of interest in its property. There are no vested rights in any individual or body of men. The trustees are officers without compensation, and can have no right to those offices paramount to the legislative authority ; the professors are subject to removal by the regents, and cannot pretend to any tenure of their offices inconsistent with the power of the legislature. No contract has been made by the state with any person or persons, in relation to the continuance of the College ; the trustees being mere representatives of the state, can have no interest in the institution individually, and certainly none which

could control or limit the power of their principal. And your committee cannot perceive any ground to doubt that the legislature might abolish the institution, and direct a sale of its buildings and other property. They belong to the state, and are as fully at its disposal as its public lands. The officers of the College are as much the creatures of the legislature as the loan officers of counties, (who are corporations,) the superintendant of the salt springs, the superintendant of common schools, or any other officer created directly or indirectly by legislative authority, and are as liable to have their offices abolished. Indeed, their claims to hold their offices independent of the legislative authority, is not so strong as a similar claim of the officers alluded to would be, as these offices have salaries or other pecuniary compensation attached to them, while the trustees have none. They are, to every intent and purpose, public officers, appointed under the authority of the legislature to watch over the property of the state, and perform certain duties relating to medical education ; and they have no individual interest whatever in the institution itself, or in its offices. The principles which justify these observations and support these conclusions, are distinctly recognised by the supreme court of the United States in the case of Dartmouth College, reported in the 4th volume of Mr. Wheaton's reports ; and they are sustained by the practice of the legislatures of this state and of other states.

A question may be stated, whether it is competent for the legislature to interfere, after having granted to the regents of the University the power of creating this College and of altering and amending its charter. In the first place the regents have placed this whole subject before the legislature and solicited its interference, and as your committee learn, have expressly consented to any acts the legislature shall think proper to pass. But, secondly, if they had not, your committee upon the same principles which they have stated, cannot entertain a doubt that it is perfectly competent for the legislature, at any

time, to repeal the act creating the board of regents ; and if so, it is a minor power, included within the more general power of repeal, to resume any portion of the authority granted by that act of the regents. For instance, no question probably would be raised upon the power of the legislature to repeal the clause authorising the regents to confer degrees. And since the adoption of the amended constitution, by which, in the opinion of many, no act of incorporation can be granted or amended, without the consent of two-thirds of the members elected to both branches of the legislature, it would seem the most safe and proper course, that whatever is done, should be done by that body.

Believing that there cannot be a rational doubt of the power of the legislature to repeal the charter of the College of Physicians and Surgeons, and solemnly believing that the existence of the institution itself, the great object of medical education, and the character of the state, imperiously require the exercise of that power, your committee have prepared a bill for that purpose, and for the organization of an institution upon the principles stated in the report of the committee of the board of regents, which they instructed their chairman to introduce.

The most important of those principles is, that there shall not be two sets of officers in the same institution, so situated as to be perpetually engaged in feuds and controversies. The professors may discharge all the duties which the interests of the institution require. But it would seem necessary that there should be some check to control the expenditures and to preserve the funds, so as to redeem the debts of the College, procure the necessary cabinets and other means of instruction, and accumulate a library adequate to its wants. This may be accomplished by authorising the regents to appoint a permanent board of visitors, to consist of persons not belonging to the medical profession, and to be associated with the mayor, recorder, and first judge of the city of New-York, under whose superintendence the funds of the College should be

placed, and also vesting in the regents the appointment of the treasurer and registrar. For the purpose of ensuring impartial examinations of the students, the regents should also be authorised to appoint temporary visitors, from time to time, to be selected from distinguished men in this and the adjoining states, to attend such examinations, and to require their recommendation, together with that of the professors, to entitle the candidates to degrees.

Such are the provisions of the bill now submitted, and such are all that your committee deem necessary to place this institution at once upon an elevated footing, and in a condition to answer the purposes of its organization. The committee do not perceive the necessity of having any secondary corporations to accomplish these objects. The regents of the University, being a corporation, are fully competent to manage the concerns of such an institution as is proposed. And by vesting in them the sole power of control and the sole responsibility for its exercise, it is believed that many causes of contention and difficulty will be removed.

With a view to afford a prompt relief for the embarrassments of the College, your committee also propose to require from the professors the payment into the treasury of the new institution of twenty-five per cent. of the amount received by them from students attending lectures, at least until the debts of the institution are paid, and so much longer as the regents shall determine. The compensation now received by the professors will average about \$2000 for each, besides the fee of \$35 received by them from each student entering their offices. When it is considered that this compensation is given for lectures occupying about one hour each day, and during only four months of the year, it will be acknowledged by all, that it will bear a reduction. And it is hoped that the present professors will cheerfully acquiesce in such a reduction, when they perceive that the funds thus obtained will be faithfully applied to paying the debts of the College, and advancing its in-

terest and character ; or if they will not, it is not doubted that competent instructors may be provided, who would willingly receive a compensation of \$1500 for the service required, and would rejoice that their exertions tended to sustain an institution which would be the pride of the profession, and an honour and a blessing to the state. And to provide for any deficiency in the funds of the institution, which may be required to prevent the College buildings and property from being sacrificed at a sheriff's sale, it is also proposed to authorise the comptroller to make the necessary loans to the regents of the University.

XXVI. Page 68.

Reference is here made, among other matters, to the report of the committee on medical subjects, presented to the assembly on the 27th of March, 1826 : a most prejudiced statement, which the house had too much good sense to enter into the consideration of, and which, notwithstanding all its plausibility, only excited the ridicule of the well informed. It was curious enough, to find in the legislature support given, even by a single individual, to a board of trustees who had for years, unavailingly criminated the professors of the College, and then turned accusers of the board of regents themselves, and who considered the conduct of the regents as marked with " ill grace" towards them ; and as "*sustaining the professors in their aggressions upon the laws of the state ;*" and, moreover, who had branded the regents, as a body exercising supererogatory powers, and under whose government the College annually had "*fairly groaned.*" That all this and more was said of the regents, by these trustees, may be seen by a reference to their address to the legislature at this time. See also, College minutes.

Among other documents which the committee on medical subjects had before them, beside Mr. Spencer's bill from the senate, were a memorial from the professors of the College, and, if I mistake not, a communication of great force from the students of the institution, now about to be graduated. I have not at hand this substantial and well written paper, and I must plead this fact as an apology for its present omission in these official papers. As the opinion of a body of well informed and independent students, who had both seen and felt the grievances complained of in the government of the College, and who understood the character of both trustees and professors, it challenged the serious consideration of all to whom the affairs of the institution were a subject of interest. It was the unanimous expression of the class, spontaneous and unsolicited ; and the professors had no reason to be dissatisfied with the language used concerning them.

It is not irrelevant to observe of this stage of the controversy, that when Mr. Spencer's bill was introduced into the senate, (Mr. Hart in the chair) inasmuch as it provided for an entire new order of things, by abolishing the present College of Physicians and Surgeons and creating a new College without *medical* trustees, Mr. Spencer himself addressed the committee in support of the bill, in substance as follows :

He pointed out the difficulties that existed, the embarrassed and unfortunate condition of the College, the collisions between the professors and trustees, the mal-conduct of the trustees, and the necessity of providing a remedy. He alluded also to the application to the state medical society by the trustees of the College, and the interference of that society, by the adoption of a resolution expressing their regret that the regents of the university " had thought proper to instruct the trustees of the College to discontinue defraying the expenses of a delegate to this society," and expressing also their opinion, that the effect of such instructions " must be exceedingly injurious to the interests of the College, by arraying against it

no inconsiderable portion of the profession throughout the state." This he conceived to be highly improper. What, said Mr. S. had the medical society to do with the College? What right had they to interfere? Did they grant the charter of the College? Who authorises them to say what the regents shall or shall not do? He regarded the declaration, that the measures of the regents would array the medical profession against the College, as a weak and improper threat, which could not have proceeded from the friends of the College: and he added, that the state medical society evidently intended to create an unfavourable impression amongst the profession, and to create an interest—a lobby interest—to compel the regents to allow the trustees to go on and squander the funds of the College. The regents, he said, had taken no notice of the resolution, but in relation to their conduct, he stated that they did not object to the appointment of a delegate by the trustees to the medical society; over that they assumed no power: but as the guardians of the literary fund, they were bound to protect it from defraying such charges, and that as this was the first instance in which that fund had been diverted from its legitimate purposes, they had met it at once.*

* Reference is here made to an illegal disposition of money, by the trustees, to defray the expenses of a delegate, in direct opposition to the ordinances of the honourable the regents. The professors on this, as on divers other occasions, found themselves outvoted by the other trustees; and were compelled to witness an appropriation of money for objects never contemplated by the framers of the laws, and the state benefactors who had cherished this school. The professors, nevertheless, could not but feel chagrined, that the disinterested, unprecedented, and voluntary advances of their earnings, in behalf of the school, were thus diverted from the legitimate object of their care; yet they contented themselves with considering the whole business as of a character like that of granting to the treasurer of the College two and a half per cent. on all monies which passed through his hands. Lieut. Governor Talmadge states, in his Report to the Regents, that

Mr. S. added, that he alluded to these transactions with reluctance ; but the facts justified it, and fully substantiated the statements made in the report presented by him as chairman of the committee on literature. He concluded by repeating, that the only remedy consisted in removing the sources of the difficulties, viz. the two separate and rival bodies which existed under the present organization of the institution. This the bill proposed to effect, by abolishing the board of trustees, and appointing professors, a board of visitors, &c.

“ This report, as set forth in the newspapers, of Mr. Spencer’s speech when his bill was about to be introduced to the decision of the senate, is, indeed, but a mere outline. I was present in the chamber, and never saw the upper house more powerfully moved. His exposition of the affairs of the College, of the conduct of the trustees and of the professors, was masterly sustained, and by the most convincing arguments. The utmost attention was given to the orator : there was no quarter for the enemy. The advocates of the trustees, if any, were not to be found. An entire unanimity in behalf of the professors was the result. Even the venerable senator Smith, of Long Island, concurred in the decision, for there was no dissentient voice. It was a triumph so complete that I shall never forget it.”—Extract of a letter of Dr. Francis. See, also, Report to the Legislature, &c. &c.

the amount of commissions received by the said treasurer since 1818 was one thousand two hundred and fifty-seven dollars seventeen cents !!! Well may the report further add, “ the treasurer upon the whole has been well compensated.” This, I believe, is the first instance on record of such demand in a literary establishment, by the treasurer thereof. And this too was demanded while the institution was declared to be on the verge of dissolution for want of funds.

XXVII. *Page 69.*

The document containing the resignation of the board of professors will be found below : I have thought it proper to precede it by the following papers : they bear evidence of the spirit of the controversy ; and they will carry the conviction which truth always inspires.

*To the Honourable the Legislature of the State of New-York,
in Senate and Assembly convened :*

A memorial or remonstrance having been lately presented to your honourable body, coming as from the trustees of the College of the Physicians and Surgeons in the city of New-York, and the undersigned being also trustees of the said College, but differing altogether from the statements of the said memorial, and pronouncing many of them to be absolutely false and suited to mislead, we beg leave, in vindication of truth, as well as the interests of the valuable public institution to which we are attached, to request your attention to this our counter-memorial.

Fortunately we can offer testimony which you may not doubt. It is not the unsupported assertion of obscure or needy adventurers. It is not biassed by rivalry or malice ; but it is the record of a court of justice. It is that report which was laid upon your table by the judges in the cause ; the Lieutenant Governor General Talmadge, the Honourable Stephen Van Rensselaer, and Mr. Marcy the comptroller. When these distinguished gentlemen held a visitation in the College last June, on behalf of the regents, it was to hear the cause between the professors and trustees. These, our opponents for years back, were loud, unmeasured, and incessant in their charges. They were called upon to prove them ; but they did not even attempt that ; they then abandoned them. We

desire only to refer to what is developed in such lucid order, in such convincing plainness, and withal, after a manner so forbearing in that able report, even towards those trustees whom the court pronounces to have been actuated by rivalry and self-interest. The trustees then turn round, in desperation, upon the regents themselves. It is true they very much disappointed those gentlemen, for they did not remove the professors as was fondly desired ; nor did they surrender their own powers to that presumptuous cabal. As a dernier resort, it approaches the legislature, and feeling themselves no longer tied down to facts, as when before the court, they conclude their calumnies by soliciting that the trustees shall be invested with the right of regulating the concerns of the College—of filling their own vacancies—*appointing their own professors*, and making their own by-laws and regulations. Now the cloven foot uncovers itself, and all the clamour about abuses, which made its annual pilgrimage to Albany, and vented itself more lately before the legislature, closes with soliciting the power of turning every body else out, and letting themselves in. This is the grand panacea of those doctors for remedying the present evils of the College. Evils that undoubtedly afflict them, and, for greater vexation, are likely to continue.

As some apology for going with their irrelevant memorial before the legislature, they say “ they conceive it to be a duty which they owe to themselves, which they owe *to the medical profession which they represent*,” &c. As to what they owe to themselves, we presume the legislature takes no account of that matter ; and as to their representing the medical profession, we deny the fact. We belong to the medical profession, and *we know* they do not represent it. If they have any such appointment, or any authority from the medical profession for presenting their memorial, let them produce that authority : or in default of doing so, let them submit to the just imputation of being guilty of deception towards your honourable body.

They are also fearful, they allege, of being deprived of an *important right*, if the suggestion of the regents should take effect, to prevent them, in future, from intermeddling with the recommendation of candidates for degrees. But they would be puzzled to specify the importance to them of such right of interference, unless it consist in the opportunity of annoyance ; and then whether it be important or not, depends on the disposition to use it. They know best what solace that opportunity would yield them. We know that it set the students in a ferment last spring, that it was then a great source of trouble and vexation to the regents, and that now, for the sake of its being retained in very unfit hands, they and the professors are maligned to the legislature.

“ Believing,” say the trustees in another paragraph, “ *that neither boys, nor persons uninstructed in the medical profession*, are competent to take charge of the health and lives of their fellow-creatures, your honourable body has wisely enacted that no person shall be licensed to practice physic until he shall have reached the age of twenty-one years, and shall have gone through a term of study prescribed by law.” And then they add “ that in March, 1825, eleven persons received the doctor’s degree *from the hands of the Regents*, who were *not legally qualified*.” We would ask those candid and conscientious complainants, if a person aged twenty years and eleven months is a *boy*; and if a person, having studied two years three hundred and thirty-five days, and attended two courses of lectures, the law requiring three years, is to be deemed uninstructed ? Their insinuation would imply the affirmative ; and when they maintain such nonsense, we do not envy them their intellects. One gentleman, on whom the regents conferred a degree, lacked one month of being twenty-one. He went immediately after to Europe to improve his knowledge, and but for the liberal discretion of the heads of the University, must have staid a year longer at home. Every medical man knows that it is most advantageous for a young physician

to travel when he has graduated. A second lacked one month of pupilage, and a third three weeks of being of age. One of them was from the West Indies, and must else have gone away without his degree, or remained here eleven months to put in three weeks. The other was of a different state from our own. Every supreme power has a sound discretion. The regents have such a power in regard to conferring degrees, and nobody of unbiassed views regrets that it is lodged with gentlemen so perfectly disinterested.

The remaining eight graduates were from other states, and some of them as distant as Georgia, Alabama, and Maine. They all made solemn declaration, which they signed with their names, that they were of full age, had completed three years study, and they exhibited their tickets of the lectures. Now there is no law of the state, nor ordinance of the regents to prescribe how age and pupilage are to be exclusively proved. It is therefore competent to the regents to accept of such proof as they shall deem sufficient. We go further to communicate to those trustees, for their more ample and necessary instruction, that there is no law to restrain the regents from conferring degrees according as they shall see fit in their sound and liberal discretion. Indeed, in the 2nd section of the act passed 13th April, 1819, it is further enacted, that *no College of Physicians and Surgeons* in this state, shall confer a diploma for the degree of doctor of medicine, upon any student, until such student shall have complied with the requisitions contained in the first section of the act, &c. passed 20th April, 1818. By the said first section, no person shall be admitted to an examination as a candidate for the practice of physic and surgery *in this state*, unless, &c. It is, therefore, not true, that in any one of the specified instances, the regents conferred degrees upon disqualified persons. Those accusing trustees, in the accuracy of their reasoning, apply to the *regents* what is enacted concerning a *College of Physicians and Surgeons*.

The eleven persons who received the doctors' degree from the hands of the regents, and who were not legally qualified, as the trustees pretend, were persons, nevertheless, who had been examined and found fit, and who were then recommended to the regents under the seal of the College in official form, by a vote of trustees, of whom the complainants were part, and the professors a minority. Effrontery like this, with which the regents are now assailed for degrees so conferred, is happily not common, and we regret the necessity of proving it upon men whose profession is honourable, whatever be its members. Pending the chicanery with the candidates, one of them, Mr. J. of New Jersey, being asked how old he was, replied that he did not know, but that his eldest son was more than seventeen years. It was therefore presumed that he was himself twenty-one, and he passed without a certificate of nativity. Another, a Mr. H. from the state of Maine, answered to a demand for a certificate to his term of studies that he had none to offer, for that his preceptor was twenty years dead, but that he is himself an old practitioner in medicine, and that for many years he had been in the employment of the United States.

Between 1811 and 1820, when the professors chiefly had charge of the College, "its pecuniary embarrassments arose." But during that period the College was built, and altered, and repaired; and after that another building was added as large as the first, and all this cost money. But that one penny of the cost went to the professors, is as false as the imputation or insinuation is uncandid. The gentlemen trustees made the most of this inculcation before the visiting court last June, and their present spleen is all that remains of their fruitless efforts. When they came within the lists with the professors and had to fight with specific charges and proofs, their blustering was at an end; they were constrained to confess that they had no complaints to prefer. (Report of the committee of the regents, p. 13.)

“ During the same period,” say the trustees, “ the general laxity of discipline in relation to examinations, and qualifications for graduation, excited such universal disgust, that the profession almost unanimously arose and preferred charges against the professors to the regents.” Mere assertion,—the drivell of witnesses already discredited. The profession that moved then is the same that moves now—just fourteen in number. Their names are on the College minutes: they were then the agitators of the county medical society—they are now the agitators of the trustees. They preferred charges freely enough, but it is untrue that they proved them. Their charges were refuted by the professors, and their selfish objects were frustrated by the regents. Why, if there was any truth in the delinquency of the professors, did not these vituperating trustees bring it forward before the court of visitors last June, when they had so fair an opportunity? They did not want the will. Why, if universal disgust existed against the professors among the members of the profession, did no one individual, out of that large and respectable body, appear to arraign them and support these trustees? The whole aspersion is devoid even of probability, and shows how fortunately painful it is for folly and malevolence to preserve consistency.

The proof offered by these trustees that the regents were satisfied of the truth of their charges, is, that the vacancies in the board were filled up with medical men. In this there is certainly no connexion between the alleged offences of the professors and the ostensible punishment: although as an organization of the College, the thing is deeply to be lamented. But the true reason lies behind: political considerations mingled, at last, with the controversy, and party opened a door to some persons which science would have shut in their face.

It is for all these merits the memorialists contend, “ that the professors should be subordinate to the trustees, whose business it is to *regulate* the concerns of the institution.” In this sentence an argument is attempted to be built upon a misre-

presentation. Who made it their business to regulate the concerns of the College? The charter grants them no such power, and the regents give them none. Is not all their turmoil owing to a vain struggle for that very thing, which, because they have it not, they are endeavouring to get? The regents alone are by law the governors of the College. They make all the appointments in it; all the ordinances concerning it; they confer its degrees, and the law provides that they alone shall do these things. What then, in reality, are the trustees? They are an anomalous, useless, contentious, meddling body, that has done much harm and no good; which, under the ambiguity of a name, seeks for authority that the law has vested in better hands, and strives to assimilate to the common seminaries of learning, an institution of the highest order in science; and which, of all things, requires to be governed by persons *who can have no personal interest* in the disposal of its professorships.

It must be obvious to your honourable body, as it has been long since acknowledged by the attentive spectators of this controversy, that, failing to rule the College, the trustees are seeking to overthrow it; but the institution is far too important to the public welfare for you to suffer it to fall a prey to anarchy. The school of medicine at New-York claims your especial care; among other things, for the peculiar facilities afforded by this city for supplying those resources that are indispensable to a medical education. With the simple extension of an existing law, this city can always furnish subjects enough for dissection. Then would exhumation, at which every feeling of the human heart revolts, which is alike odious to the enlightened and the ignorant—exhumation, with all the horrors which the imagination associates to its practice, would cease for ever. The very apprehension of it would be lost. The public mind would be tranquilized, the dead would rest undisturbed, and the sepulchre be sacred. It is only in this part of our state that all these advantages are combined.

It is only here that we find multitudes from all nations unclaimed and unconnected, without relatives or friends to defray the expenses of their interment, and who might therefore be used, without offence to the most delicate emotions of our nature, to promote the safety and happiness of the living. Even the penitentiary of this city, by bringing it within the law of the state prison, would, in conjunction with that resource, perhaps, suffice to the demand ; while a new restraint of a most powerful character, would, by this additional enactment, be put upon immorality and crime.

We have said enough to prove how unfounded are all the charges of those trustees against the professors of the College of Physicians and Surgeons, for we have shown it from their own admissions. We have said enough to prove how much their motives are personal and interested, for we have shown it from their memorial to yourselves. As to the case between us and them we are satisfied that it should go before your impartial tribunal, and before the public ; expecting, indeed, from your wisdom, that you will protect, or more fully enable the honourable the regents to preserve this valuable institution.

All which is respectfully submitted.

WRIGHT POST, M. D.

Professor of Anatomy and Physiology.

DAVID HOSACK, M. D.

Professor of the Theory and Practice of Physic and Clinical Medicine.

WM. JAMES MACNEVEN, M. D.

Professor of Chemistry.

SAMUEL L. MITCHILL, M. D.

Professor of Botany and Materia Medica.

VALENTINE MOTT, M. D.

Professor of Surgery.

JOHN W. FRANCIS, M. D.

Professor of Obstetrics and the Diseases of Women and Children.

New-York, February 18, 1826.

Annual Report to the Honourable the Regents of the University, from the Professors of the College of Physicians and Surgeons in the City of New-York.

TO THE HON. THE REGENTS OF THE UNIVERSITY.

Whereas the paper purporting to be the report of the trustees of the College of Physicians and Surgeons in the city of New-York, offers an incorrect view of the state of this institution for the last year, the professors, under a pressing sense of duty, respectfully submit, for the better information of the regents, the following account :

The number of students has diminished nearly one fourth this session, and the mortifying fact is slurred over by the trustees without explanation. Is it because they cannot charge it upon the professors ? for these are still the same men with whom the College lately flourished ; and as yet they have in no wise relaxed in assiduity, declined in reputation, nor lost any portion of their credit with the votaries of physic. The fault does not lie at their door. It is solely the result of the mischievous intermeddling of the trustees with the examinations last spring, and of their infringement of the charter at that time ; of their assuming powers beyond what it allowed them, and falling, of consequence, into personal altercations with the candidates. During some of these dissensions, they attempted to make candidates confess against themselves, and others they asked to inform against their comrades ; which, if any had been seduced to do, would, among young men of their age and spirits, be probably followed by duels and bloodshed.

All this proceeding served to disgust and alienate the foreign students.

The obtrusive circular of those trustees was a sequel to the same disorganizing conduct, and a second injury to the College. Twice by their absence they deprived the professors of

an opportunity of getting the accustomed *circular* sanctioned at a College meeting, and afterwards contradicted by one of their own, that which the professors thought it necessary to issue at last, in order to announce the medical lectures through the country.

The trustees in their opposition circular threaten that they will exact of all candidates, "the most rigid compliance with the enactments," &c. Such enunciation from the same gentlemen who had so signalized themselves in the spring, was any thing but calculated to invite students. Why should they come to be tortured in New-York, when they are sure of being well received in Philadelphia—treated with kindness, and honoured with degrees upon passing a fair and liberal examination? The rules and laws of the State and College are of course to be executed; but it should be in mercy, not in vengeance. Summum jus is not unfrequently summa injuria. A rigid treatment is what nobody will voluntarily court. Hence, persons from the southern states, who were fond of coming to this College heretofore, have turned to Philadelphia and Baltimore on the last occasion.

This conflict between the professors and those trustees is the bane of the College. As to who is in fault, you have made the inquiry, and we would be well satisfied that you could act according to the facts. We cannot obey two masters. You are the superiors of the College *de jure*, and the trustees are struggling to be masters *de facto*. You will find that the professors never attempted to usurp your powers—you will find that the trustees have attempted it invariably. To you we pay a willing obedience; but have an invincible aversion to be controlled by the present agitators or their abettors.

As the income of the College is chiefly derived from students, the regents will have the goodness to observe, that every calculation founded upon that resource is at best uncertain; that already it is rapidly decreasing, and must, under the continued attacks of the present trustees, shortly cease altogether.

With the decrease of students will also fall the earnings of the professors ; so that the plan of finance, first suggested by the treasurer, of paying the current expenses and debts of the College in great part out of their emoluments, is very unsubstantial. It appears to the professors to possess so little solidity that they have come to the firm determination of calling in immediately the moneys that are due to them, before the College property by age, dilapidation, or other misfortune shall fall any further in value. Of this they have given due notice to the Corporation of the College, and they humbly hope it will meet with your approbation and support. A motion for referring their application to a committee was negatived by the trustees, so that they have no more hope from that quarter.

The most welcome settlement to the professors would be an immediate repayment of the debt ; but if this be not practicable, they are willing that skilful and indifferent persons shall value the estate, and they will accept of it at such valuation. The balance should there be any, going to whomsoever it may belong. The injuries which the College is daily sustaining for want of repairs, make the professors anxious to recover their debts in time, or acquire the legal right of preserving the property.

The divisions on the annual report and the professors' debts are given in the annexed schedule. It will serve to show the most prominent agents. All which is respectfully submitted.

WRIGHT POST, M. D.

Professor of Anatomy and Physiology.

DAVID HOSACK, M. D.

Professor of the Theory and Practice of Physic and Clinical Medicine.

WM. JAMES MACNEVEN, M. D.

Professor of Chemistry.

SAMUEL L. MITCHILL, M. D.

Professor of Botany and Materia Medica.

VALENTINE MOTT, M. D.

Professor of Surgery.

JOHN W. FRANCIS, M. D.

Professor of Obstetrics and the Diseases of Women and Children.

City of New-York, Feb. 28, 1826.

RESIGNATION.

*To the Honourable the Regents of the University of the state
of New-York.*

CITY OF NEW-YORK, April 11, 1826.*

We, the undersigned, Professors and Officers of the College of Physicians and Surgeons in the city of New-York, in correspondence with the views by which we were influenced in our communication of yesterday, made to your honourable body, and reflecting moreover on the peculiar government of the College, an anomaly in medical schools, are fully persuaded that we best consult our self-respect, by withdrawing altogether from the institution. We, therefore, hereby tender our resignations of the professorships and offices we respectively hold therein : and we take this opportunity of renewing our grateful acknowledgments for the various and distinguished marks of confidence the Regents have seen fit, from time to time, to place in us.

We have the honour to be,

With high respect and consideration,

DAVID HOSACK, M. D.

Vice President, and Professor of the Theory and Practice of
Physic and Clinical Medicine.

WM. JAMES MACNEVEN, M. D.

Professor of Chemistry.

SAMUEL L. MITCHILL, M. D.

Professor of Materia Medica and Botany.

VALENTINE MOTT, M. D.

Professor of Surgery.

JOHN W. FRANCIS, M. D.

Professor of Obstetrics and the Diseases of Women and Children, and Registrar of the College.

* Several weeks prior to this date, Dr. Post had individually tendered in his resignation.

At a Meeting of the Regents of the University of the State of New-York, April 17, 1826.

The Professors of the College of Physicians and Surgeons, in the city of New-York, having tendered to the Regents their resignation of the several offices held by them in said College, it was thereupon

Resolved, That the same be accepted : and further, that the thanks of the Regents be presented to the said Professors, for the faithful and able manner in which they have filled their respective chairs as instructors and lecturers in the said College.

A true extract from the minutes of the Regents.

G. HAWLEY, *Secretary*.

Appointments made by the Honourable the Regents of the University at their different sessions, in the College of Physicians and Surgeons in the city of New-York, since its foundation.

1807.

NICHOLAS ROMAYNE, M. D. President and Lecturer on Anatomy.

SAMUEL L. MITCHILL, M. D. Vice President, and Professor of Chemistry.

EDWARD MILLER, M. D. Professor of the Practice of Physic, and Lecturer on Clinical Medicine.

DAVID HOSACK, M. D. Professor of Materia Medica and Botany, and Lecturer on Surgery and Midwifery.

ARCHIBALD BRUCE, M. D. Professor of Mineralogy.

B. DE WITT, M. D. Professor of the Institutes of Medicine, and Lecturer on Chemistry.

1808.

NICHOLAS ROMAYNE, M. D. Professor of the Institutes of Medicine.

SAMUEL L. MITCHILL, M. D. Professor of Natural History and Botany.

EDWARD MILLER, M. D. Professor of the Practice of Medicine, and Lecturer on Clinical Medicine.

ARCHIBALD BRUCE, M. D. Professor of Materia Medica and Mineralogy.

BENJAMIN DE WITT, M. D. Professor of Chemistry.

WILLIAM J. MACNEVEN, M. D. Professor of Obstetrics, and Lecturer on the Diseases of Women and Children.

J. AUGUSTINE SMITH, M. D. Professor of Anatomy and Surgery.

1811.

Upon the re-organization of the College in April 1811, SAMUEL BARD, M. D. was appointed President, and the following persons assumed the duties of the respective stations to which they were chosen.

BENJAMIN DE WITT, M. D. Vice President, and Lecturer on Materia Medica.

JOHN AUGUSTINE SMITH, M. D. Professor of Anatomy, Surgery, and Physiology.

DAVID HOSACK, M. D. Professor of the Theory and Practice of Physic and Clinical Medicine, and Lecturer on Midwifery.

WILLIAM JAMES MACNEVEN, M. D. Professor of Chemistry.

SAMUEL L. MITCHILL, M. D. Professor of Natural History.

1813.

Upon the consolidation of the two Medical Schools, the following appointments were made.

SAMUEL BARD, M. D. President.

Dr. WRIGHT POST and JOHN AUGUSTINE SMITH, M. D. joint Professors of Anatomy, Physiology, and Surgery.

DAVID HOSACK, M. D. Professor of the Theory and Practice of Physic.

WILLIAM HAMERSLEY, M. D. Professor of the Clinical Practice of Medicine.

JOHN C. OSBORN, M. D. Professor of Obstetrics and the Diseases of Women and Children.

WILLIAM JAMES MACNEVEN, M. D. Professor of Chemistry and Pharmacy.

JAMES S. STRINGHAM, M. D. Professor of Medical Jurisprudence.

VALENTINE MOTT, M. D. Professor of the Principles and Practice of Surgery.

JOHN W. FRANCIS, M. D. Professor of Materia Medica.

SAMUEL L. MITCHILL, M. D. Professor of Natural History.

BENJAMIN DE WITT, M. D. Vice President, and Professor of Natural and Experimental Philosophy.

1814.

After this year, Dr. POST was sole Professor of Anatomy and Physiology.

1816.

The Professorship of Materia Medica was added to that of Chemistry, and Dr. FRANCIS appointed Professor of the Institutes of Medicine.

1818.

Dr. OSBORN withdrew and the chair of Midwifery was filled by DAVID HOSACK, Professor of the Practice. Dr. STRINGHAM resigned, and the chair of Medical Jurisprudence was filled by JOHN W. FRANCIS, also Professor of the Institutes.

1820.

SAMUEL BARD, M. D. President.

WRIGHT POST, M. D. Vice President.

DAVID HOSACK, M. D. Professor of Institutes and Practice of Physic.

WRIGHT POST, M. D. Professor of Anatomy and Physiology.

WILLIAM JAMES MACNEVEN, M. D. Professor of Chemistry.

SAMUEL L. MITCHILL, M. D. Professor of Botany and Materia Medica.

WILLIAM HAMERSLEY, M. D. Professor of the Clinical Practice of Medicine.

VALENTINE MOTT, M. D. Professor of Surgery.

JOHN W. FRANCIS, M. D. Professor of Obstetrics and the Diseases of Women and Children.

Upon the death of the venerable President, Dr. BARD, WRIGHT POST, M. D. was appointed thereto, and DAVID HOSACK, M. D. Vice President. The chair of Clinical Practice being subsequently abolished as a distinct professorship, DAVID HOSACK was made Professor of the Theory and Practice of Physic and Clinical Medicine.

From the foregoing statement it may be seen how frequent and numerous were the changes in the College, during the memorable *cycle* of nineteen years. Thus, subsequent to the original organization of the school, the several departments of teaching have been as follows :

Anatomy.

John Augustine Smith,
Wright Post.

Chemistry.

Benjamin De Witt,
William James Macneven.

Obstetrics.

William James Macneven,
John C. Osborn,
David Hosack,
John W. Francis.

Natural Philosophy.

Benjamin De Witt.

Natural History.

Benjamin De Witt,
Samuel L. Mitchill.

Mineralogy.

Archibald Bruce.

Legal Medicine.

James S. Stringham,
John W. Francis.

Practice of Physic.

Edward Miller,
David Hosack.

Surgery.

John Augustine Smith,
Valentine Mott.

Materia Medica.

Archibald Bruce,
Benjamin De Witt,
John W. Francis,
William James Macneven,
Samuel L. Mitchill.

Institutes.

Benjamin De Witt,
John W. Francis,
David Hosack.

Clinical Medicine.

Edward Miller,
William Hamersley,
David Hosack.

Botany.

Samuel L. Mitchill.

BENJAMIN DE WITT, M. D. Much might be said of the services which Dr. De Witt rendered to the College, more particularly in obtaining the liberal grant from the state of \$30,000. He was prematurely cut off by the yellow fever, while in the discharge of his official duties of physician of the port of New-York, in 1819.

EDWARD MILLER, M. D. A biographical account of this eminent individual may be seen in the American Medical and Philosophical Register, vol. iii. Also in Dunlap's Recorder, and in the edition of his Medical Writings, published by his brother, the Rev. Dr. Samuel Miller.

JOHN C. OSBORN, M. D. was the son of Dr. John Osborn, a venerable physician, who was born at Middletown, Connecticut, in March 1741, and who received his medical education at Hartford, under Dr. Morrison, an eminent Scotch physician. He pursued his profession at Middletown until his death, which took place at the advanced age of 84 and upwards, viz. August 1825.

John C. Osborn was the eldest son, and born at the last mentioned place in September 1766. He received his classical education at Middletown, under the Rev. Enoch Huntington, an eminent scholar; and his medical education, exclusively, under his father. He was not distinguished by any academic honour till he became eminent in his profession in North Carolina, to which state he removed in 1787. Here he was well known as a successful practitioner, and was repeatedly placed at the head of the medical society of the district. He came to the city of New-York in 1807, and was shortly after introduced to a large scene of practice. He was created the professor of the institutes of medicine, in the medical faculty of Columbia College, and upon the union of that faculty with the College of Physicians and Surgeons, he was appointed professor of obstetrics and the diseases of women and children. He died of a pulmonary disorder, in the island of St. Croix, upon the day of his landing, March 5, 1819.

With his professional erudition, Dr. Osborn united great literary acquirements, and his knowledge of books was varied and extensive. These acquisitions he often displayed in his courses of public instruction. His view of the materia medica as a science, was equalled by few, and his knowledge of the

actual medical qualities of the native productions of our soil, was a subject which he delighted to investigate. As the venerable Thatcher, Barton, and others, by their writings, so did Dr. Osborn in his practice and by his instructions, earnestly enjoin an acquaintance with these important remedial agents, on the practisers of medicine in the various sections of our country.

Dr. Samuel Osborn, the only member of this family who survives, is a younger brother, a practitioner of medicine in this city, and delegate to the state medical society.

ARCHIBALD BRUCE, M. D. A biographical account of Dr. Bruce may be found in Professor Silliman's Journal.

JAMES S. STRINGHAM, M. D. I have been favoured by my colleague, Dr. Francis, with the following biographical sketch of Dr. Stringham.

“ Dr. JAMES S. STRINGHAM was born in the city of New-York, of respectable parents, whose circumstances in life happily enabled them to furnish to their son the opportunities of a liberal education. He prosecuted his classical studies in Columbia College, and was graduated there in 1793. His habits and disposition inclined him to the theological profession ; and for some time after he had received his collegiate honour in the arts, he pursued a course of learning for the ministry, as I am informed by his most intimate friend, the reverend president of this institution. His health becoming delicate, from an attack of hemoptysis, he relinquished, with reluctance, this intention. He now entered upon a course of medical education, under the care of the late Dr. S. Bard and Dr. David Hosack, and attended with exemplary diligence, for several years, to all the branches of medicine then taught by the faculty of physic in New-York. He subsequently proceeded to Edinburgh ; became a student in the University of

that renowned capitol, and in 1799 received there the degree of M. D. Within a very short time after his return to his native city, he was elected professor of chemistry in Columbia College, in the place of the learned and distinguished Dr. Mitchill, who had for many years filled that chair, and to whom we are indebted for the first introduction of the French nomenclature of chemistry in this country. Dr. S., however, not satisfied with these exertions, and anxious for a more extended sphere of usefulness, now voluntarily prepared a course on legal medicine. His varied and classical erudition rendered this undertaking one peculiarly agreeable to him ; and to the students who attended his lectures, it proved a source of gratification equally novel and instructive. The utility of the science was cheerfully acknowledged by all.

“ Having long laboured under an alarming organic disease of the heart, and finding his constitution materially impaired, Dr. Stringham resigned his office as professor of chemistry in Columbia College ; but upon the union of the medical faculty of that institution with the College of Physicians and Surgeons in 1813, he was induced to accept the professorship of medical jurisprudence. Yet this office became too oppressive from the tenderness of his health ; hopes which he had cherished were shortly to be blasted ; and he was doomed to irremediable suffering and premature death. For years he had borne with manly patience and christian expectation the trials of a distressing complaint. The cheering counsel of his friends urged him to repair to the island of St. Croix, for the vain hope of a renewal of his health. Thither he went and died on the 29th of June 1817.

“ Besides his inaugural dissertation, “ *De absorbentium systemate*,” Dr. Stringham was the author of several essays and papers in the medical journals of the day. He published in the New-York Medical Repository, an account of the efficacy of *Digitalis Purpurea*, in allaying excessive action of the sanguiferous system—a description of a remarkable species of

intestinal vermes—an account of the violent effects of corrosive sublimate—and a case of hydrocephalus : in the Philadelphia Medical Museum, a paper on the effects of mercury, in a case of syphilis, and in the Edinburgh Medical and Surgical Journal, a paper on the yellow fever of America, in which he maintained the specific character and contagious nature of that disorder.

“ A syllabus of the lectures of Professor Stringham, on Medical Jurisprudence, is contained in the American Medical and Philosophical Register.”—Dr. Francis’ Introductory Discourse.

XXVIII. *Page 79.*

RUTGERS MEDICAL COLLEGE.

(CIRCULAR.)

City of New-York, Oct. 28th, 1826.

The late Professors of the College of Physicians and Surgeons having seen fit to withdraw from that institution, without thereby intending to relinquish their accustomed functions, have organized another Medical College, in which all but two of the former faculty take part, and the remaining vacancies are filled by gentlemen of distinguished fame and acknowledged ability. It affords them high gratification to state, that by the unanimous concurrence of the Board of Trustees of Rutgers College, they have been constituted the Medical Faculty of that institution, and that the Board of Trustees will, on the recommendation of said Faculty, confer the degree of Doctor of Medicine.

All the means of instruction to be derived from an extensive cabinet of anatomical and surgical preparations, and a full

supply of subjects for dissection ; from valuable collections of natural history, botany, mineralogy, and chemical apparatus, will be amply afforded in this College to the votaries of medicine and surgery.

OFFICERS OF THE COLLEGE.

DAVID HOSACK, M. D. F. R. S. *President of the Medical Faculty.*

SAMUEL L. MITCHILL, M. D. LL. D. *Vice President.*

PETER S. TOWNSEND, M. D. *Registrar.*

PROFESSORS.

* DAVID HOSACK, M. D. Professor of the Institutes and Practice of Physic and Clinical Medicine.

WILLIAM JAMES MACNEVEN, M. D. Professor of Therapeutics and Materia Medica.

VALENTINE MOTT, M. D. Professor of Surgery.

JOHN W. FRANCIS, M. D. Professor of Obstetrics and Forensic Medicine.

JOHN D. GODMAN, M. D. Professor of Anatomy and Physiology.

JOHN GRISCOM, LL. D. Professor of Chemistry.

The several courses of instruction will commence on the first Monday in November ensuing, and terminate on the last day of February.

GRADUATION.

The candidate for graduation must have attained the age of twenty-one years.

Every student is required to attend two full courses of all the lectures delivered in this College, before he can be a candidate for the doctorate : unless said student shall have previ-

* The Lectures on Botany will be delivered by the Professor of the Institutes and Practice of Medicine, and included in his course.

ously attended one entire course of lectures, delivered in some respectable medical school or university.

On or before the first of February, the candidate shall make known his name and intention to the president, or one of the professors, by whom he will be informed of the time and place of examination. The examination is by the board of professors only : it is private and confidential.

The names of those who have been approved by the Medical Faculty are forwarded to the president and trustees of Rutgers College, who return an equal number of diplomas, under the signature of the president. They are afterwards signed by the medical professors.

By the 20th of March, the candidate shall deliver to one of the professors a dissertation on some medical subject. He is publicly examined on the same, in the College Hall, the first Monday in April, and may publish, with the approbation of one of the professors, either in the English, French, or Latin languages. The degrees conferred, will be delivered by the president, on the following day, at the public commencement.

From the provision thus made, it will be seen, that the various courses of lectures, delivered in the College, are so arranged, as to constitute a complete system of medical education. The board of professors, however, think it incumbent on them to state, that it has been their unremitted endeavour to increase, as far as practicable, the means of instruction, and to render the advantages enjoyed by the College, at least equal to those of any other similar establishment in the United States.

The former pupils of the professors will be admitted as heretofore, and the medical officers of the United States' army and navy are invited on the same footing as graduates. Students who shall have attended two entire courses are afterwards admitted free of expense.

THE GOLD MEDAL.

Col. HENRY RUTGERS, with his characteristic generosity, has established in perpetuity the premium of a *Gold Medal*, to be awarded annually to the student of this institution who shall exhibit the most satisfactory testimonial of talent and attainment in medical science, in his inaugural dissertation for the doctorate. The same to be approved by the board of professors, and the decision to rest with them. The honour to be delivered to the successful candidate at the public commencement.

Published by order,

DAVID HOSACK, M. D. *President.*

PETER S. TOWNSEND, M. D. *Registrar.*

XXIX. *Page 82.*

The following extracts are taken from the Introductory Discourses of several of my colleagues, delivered upon the opening of Rutgers Medical College, in November, 1826.

From Professor Macneven.

“Some individuals of the profession have inconsiderately found fault with Rutgers College for the estimation in which it is pleased to hold the former professors of the College of Physicians, and their consequent adoption, as a faculty of medicine, into its highly respectable body. But whether this measure be viewed in relation to science or the interest of our country, a dispassionate consideration of it will result in its approval. It fully evinces that in our sister state no jealousy is entertained of our citizens, but that we are as kindly treated there as its own; its literary honours, to the discomfiture of our enemies, being as freely imparted to us on the left, as if

we lived on the right bank of the river. Rutgers College wisely embraces the republic of letters as one whole, and deems within its common domain all those who cultivate the liberal arts. It is an important example, no less than a decisive proof of their own enlarged views, which the governors of that College give in this memorable act; and it is far more consonant to the spirit of the age, which is improving progressively with its liberality, than the churlish selfishness which retires within narrow prospects and party exclusions.

“Of all parties the worst for this country is, that which should be founded on geographical discriminations; for our greatest good is not alone the permanency, but also the cordiality of our union. The sublime father of the nation was so sensible of the conduciveness of common literary institutions to this most desirable end, and generally to the dissemination of correct, patriotic principles, that he bequeathed a considerable estate for the establishment of a comprehensive National University. That enlightened provision which, no where as yet, has been carried into operation upon the enlarged and beneficial plan of Washington, has at least been adopted in principle, and for the first time made effective between two conterminous States, through the wisdom and good feeling of Rutgers College.

“Already had an eminent individual of our city, distinguished alike for his ample fortune and the liberal and pious use he makes of it, thought fit to revive a languishing University at our door, by a munificent endowment. This venerable patriot, of the Washington school, did not hesitate to support the cause of learning in New-Jersey, and the College of New-Jersey, equally devoid of local prejudice, as little hesitated to take for its faculty of medicine, a set of professors from New-York.

“I may say of my colleagues that they are not unknown to fame, and that the ability which distinguished them in other situations, will not desert them in this. Happily we now de-

pend altogether on our own exertions and have no master but the public, the most impartial of all others. For our own success and remuneration, we look solely to the general sense that shall be entertained of our deserts. Competition we do not deprecate ; we object only to monopoly, the real object of those, however they may endeavour to disguise it, who cavil at our connexion with the University of our sister state.

“ Those persons affect to call this act an interference with the jurisdiction of New-York, whereas, if there be interference at all, it is with New-Jersey itself, since persons, not of that state, but of this, are honoured with seats in its University. It is, in fact, a flattering and friendly compliment paid to New-York. The patriotic members of Rutgers behold a countryman in every American, and they cannot conceive why the lights of science are to have a license for crossing the Hudson, any more than the light of the sun. Knowledge belongs to the Universe, and they who cultivate knowledge are of one and the same country over the civilized world. And equal courtesy is every where paid to its established authorities, and to their accredited agents. Why then attempt to stir up enemies against this universal order ? If those who seek to foment state jealousies did not mistrust themselves or their cause, what need of the secular arm ?—that prompt decider of controversies that confutes without argument, and dispenses with a reason as superfluous. For their own honour we would suggest to our rivals, that they seek not to deprive us of an equality of advantages, lest the public should think there was between us and them a disparity of merit. I know those gentlemen well : one was my colleague—most of the others were my students. They are all men of distinguished talents : but we have no objection to meet them in fair competition, and let the most deserving be preferred.”

From Professor Francis.

“ I express to you the feelings of my colleagues, as well as my own, when I declare the satisfaction we enjoy on witnessing the prospects, flattering beyond our anticipations, which have already presented themselves in this early stage of our career. We fondly trust that we shall not disappoint the confidence placed in us, nor for a moment forget the obligations which it imposes. Whatever instruction we can impart, whether from the public chair or in our private capacity, shall be always at your service, only requiring in return, that attention, without which all efforts, on our part, must prove vain and unavailing. We ourselves once occupied the seat of the student, and listened to instruction from the chair of the professor. We know that the path of science is rugged and strewn with thorns ; but be it remembered, that a noble destiny awaits our toil, and that private happiness and public renown are its ample rewards. Your exertions to obtain such rewards, by a well sustained and vigorous application, will be seconded by every effort in our power which industry can effect, and by the best wishes which can spring from the heart.

“ Circumstances, unforeseen and uncontrollable, have created a new order of things, and placed us in new relations. We are now under our own vine and under our own fig-tree, and there is none to make us afraid.

“ Our city, honourably distinguished by a spirit of improvement in every enterprise which has for its objects, its interests and honour, will not be insensible that the cultivation of science and literature is intimately blended with her prosperity, and can alone enable her to maintain that ascendancy of which she is emulous, or render her worthy of it. With an addition to our assessments that would not subtract a barley-corn from each individual, the improvement of our citizens in every useful and ornamental science may be permanently effected, and our inhabitants excel neighbouring cities in intellectual culti-

vation, as they are now superior in physical power and resources.

“ With a statesman at the head of our commonwealth, whose name is identified with her greatness and glory, we can also boast that over our city councils presides a man equally distinguished for private worth and public spirit, who invariably devotes his talents to the honourable discharge of his official duties, and his wealth in support of its social character and relations.

“ Our connexion with Rutgers College in New-Jersey, points out the propriety of adverting to that eminent seat of learning, before we close. This Institution with which we have recently become connected, was founded by the pious liberality of our ancestors, in the year 1770. In that year, the Dutch Reformed Church of New-York and New-Jersey, then united, formed the plan of erecting a College in New-Brunswick, for the purpose of preparing young men for the gospel ministry, and obtained a charter from the legislature of New-Jersey. To this purpose it has ever since been mainly subservient, and, under the provident and vigilant guardianship of Hardenburgh and Livingston, was reared no inconsiderable number of the clergy of that pious and most respectable class of christians. Within a few years past, the views of the trustees have enlarged with the success of the theological department of the College, and the elements of a liberal education are now taught by men deeply versed in the branches which they superintend, and long experienced in the duties of instruction.

“ The present is not, perhaps, the proper occasion to notice at large, the talents and qualifications of the gentlemen delegated to this trust, who, with unsparing diligence are labouring in the academic department, to instil into studious youth the elements of literature and science. But I could not justify the neglect to myself, if, on any fit opportunity, I omitted to declare my high estimation of the learning, eloquence,

and piety of that distinguished divine, Dr. MILLEDOLER, in whom I am proud to recognise an early friend, selected by the good sense of the governors of our College to superintend its interests. Our city long profited of his labours, and yielded a reluctant consent to a separation, though his object was to provide successors worthy of his charge. Of the profound mathematical learning of the professor of that branch, I confess my inability to judge, but by the suffrages of all the initiated in our country, he is placed at their head, and few indeed even in Europe dare enter the lists of competition.

“ In conclusion, allow me to testify to the worth and excellence of that eminent citizen* to whose munificence we are indebted for the re-organization of the academical faculty of our College. The field has witnessed his revolutionary services : our public councils his legislative care. But I turn from labours which he shared with many, to those private virtues which few can know, save the subjects of his bounty. I allude to that active benevolence and christian philanthropy, which for more than half a century has not ceased to seek occasions for its kindness, and to make the cause of sorrow and suffering its own.

“ Let it be the object of your incessant toil—let it be the aim of your generous ambition, to obtain the token inscribed with his honoured name.”

The following observations, on the benefit of a great medical school to the city in which it is located, by my colleague, Professor GODMAN, are so pertinent and intimately connected with the objects of this discourse, that I gladly avail myself of his permission to subjoin them.

“ It may not be amiss to add some facts which will enable those who take an interest in the scientific institutions of our

* Col. RUTGERS.

country, to form an estimate of some of the benefits conferred by any distinguished school of medicine upon the city in which it is located.

“ Each student expends, on an average, \$400 during every session. This money is given for tickets of admission to the lectures, for books, boarding, clothing, &c. A class of 150 students, at \$400 each, brings into circulation a gross amount of \$50,000.* The class attending the course of lectures in a neighbouring city, is stated to be 500 in number. Allowing the same average, (which is far below the actual expenditure) that class expends during four months attendance on the lectures, \$200,000. The whole of the money thus expended, goes immediately into the hands of the citizens, from the owners of property down to the humblest mechanics and servants, and the withdrawal of any considerable part of this supply, would be followed by much distress and inconvenience among all those who derive their support from ministering to the members of the class.

“ But it is not merely by the gross amount expended during the session that the city is benefited by the attendants on a public course. They form acquaintances with men of business, with whom they continue to deal, in many instances, during their lives, and their influence is always favourably exerted towards the place in which they have completed their education, and have formed numerous interesting relations. It is not, therefore, surprising that the municipal authorities, and citizens generally, who properly appreciate such an institution, should concur to offer every possible inducement to students to prefer *their* city and institutions to all others.

“ Medical education, which, at present, commands a considerable share of public attention, involves in the manner of its administration, some of the dearest interests of society ; those

* This is about the amount expended this winter in New-York by the present class of Rutgers Medical College.

therefore, who engage in discussions arising out of the existing conditions of public institutions, ought carefully to inform themselves of the circumstances which are most favourable to the improvement of medicine, before they side with a party or declaim against individuals.

“ In our happy country, every individual possessed of the requisite qualifications and character, has the right of teaching the results of his experience and study to whomsoever his instructions may be acceptable. A body of such individuals, whether under the title of University or College, have no other claim upon the public than what they derive from the exertion of their talents and industry, and the benefits they are capable of conferring upon their fellow-citizens. The College may be under the patronage of a state, or it may be supported by the reputation of its teachers alone : it may derive the right to confer scientific honours from the state in which it is located, or from another source ; neither circumstance being of more than relative or nominal importance, since neither affect the excellence of the knowledge imparted, nor lessen the pecuniary benefits conferred by the institution upon the place in which it is established. Wherever the best lectures are given and the greatest degree of talent and enterprise are displayed, there the largest number of pupils will be found. It is their own interests they seek to promote, when they select, and not those of the teachers they prefer ; hence every other consideration relative to the peculiarities of the institution, is with them subordinate to the character of the teachers, and the amount of useful knowledge to be acquired.

“ With these truths (confirmed by daily experience) in view, it is amusing enough to hear the complaints and threatenings of those whose pecuniary interests are endangered by the fairest and most liberal competition, and who would willingly enlist the prejudices of society in their favour, so far as to bring in the strong arm of the law to shield them. Not content with *patronage* and *privilege*, with the money and the

name of the state, they desire to have a *monopoly* of the right of teaching ; would deprive students of medicine of the liberty of preferring the course they may discover to be most conducive to their character and interests, and deny to all, except themselves, the chances of opening sources of general benefit, however much *their* fountains may become dried up or exhausted. So confidently too do some such persons menace the interference of legislative bodies, to prevent citizens of the United States from living by the honourable exertion of their talents, that one might almost imagine our legislators were not Americans—free agents—nor acquainted with the *rights* of those they represent ! To hear the legislative power thus brought forward to deter citizens from the exercise of callings in which they are acknowledged to have attained respectability, and even eminence, we might think ourselves subjects of a despotic sovereignty, instead of living under our own laws, made by our own representatives, who hold their stations only so long as they act consistently with the rights and dignity of their constituents. How weak and pitiable must be the condition of those, who in a *free state* and in *times* like ours, have no better way of competing with men emulous of fame and public favour, than by calling on the legislature for grants of MONOPOLY, and thus endeavouring to stifle talents with which they dread fairly to contend.

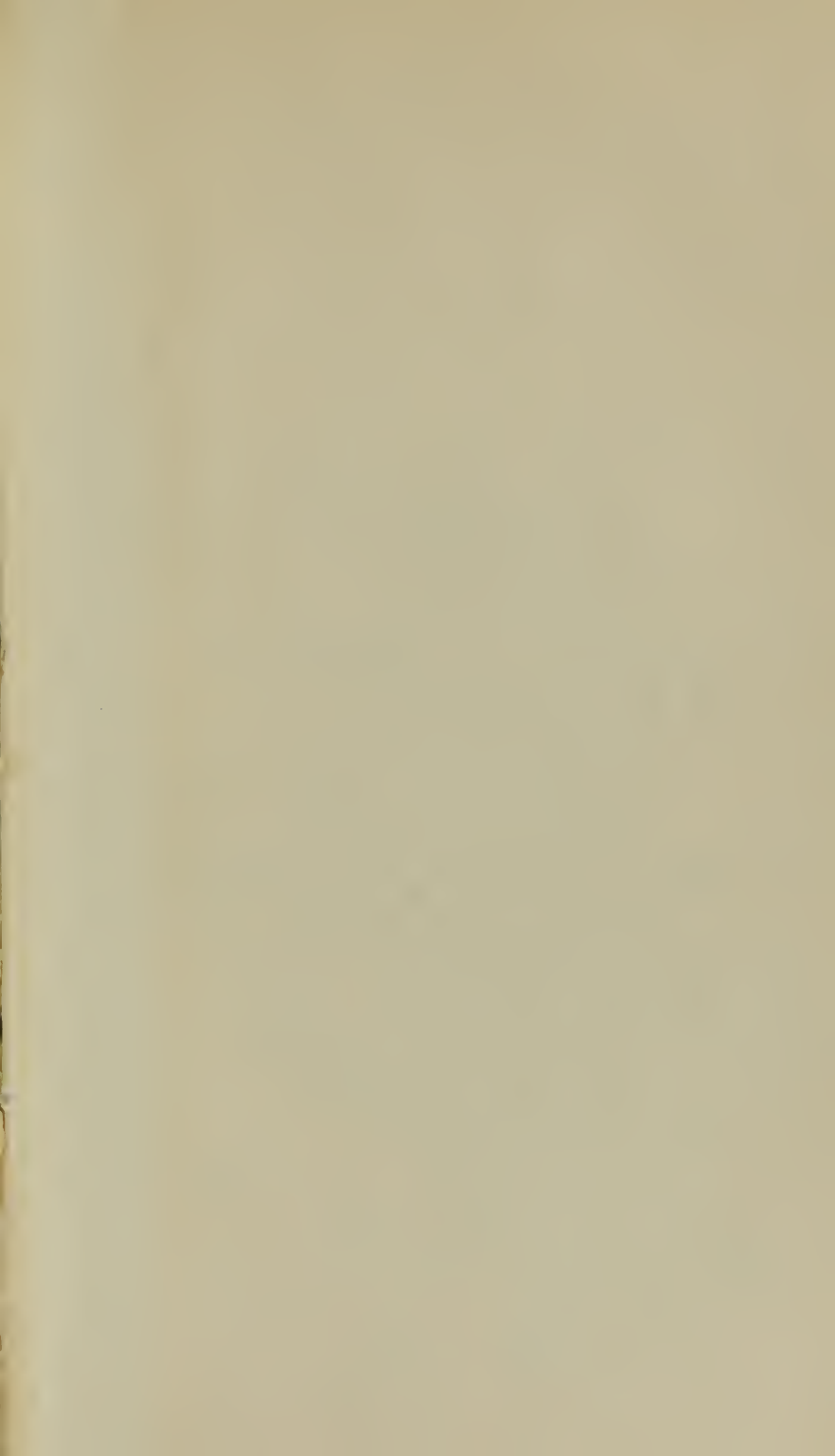
“ In aid of the same *liberal* policy, the complaint is often made by such persons, that they have no objection to a rival institution, but are offended that a *foreign* College should be established in their immediate vicinity ! Were this the fact, some weight might be allowed to it ; but when it is known that *six* individuals have erected an edifice, highly ornamental to the city, out of *their own* funds ; that *five* of these individuals have been almost their whole lives citizens of, and resident in New-York ; and that *four* out of the six have, during fifteen or twenty years past been distinguished as teachers of medicine in the College of the state, while but *one* of the num-

ber has come from another state or city of the Union, will not the public duly appreciate the *disinterestedness* and *genuineness* of that patriotism, which is so sensitive in relation to *foreign* influence, as to discover that those who have taught as Americans and citizens of New-York in one street, have become expatriated and disfranchised by instructing pupils in another ?

“ The *threats*, and clamours about *foreign* influence, with a view, if possible, to prevent competition of *talent*, are so entirely ignoble, so far from the course which men of generous emulation should pursue, so utterly repugnant to the constitution of our country and the spirit of the people, that we can scarcely imagine any thing more absurd, unless it be, that the legislature should GRANT the *monopoly* desired, and proclaim that henceforward votaries of science, and men emulous of fame, should neither dare to seek for reputation nor subsistence within our borders—but depart to other regions, where mind is free—talent at liberty to develope its strength and usefulness, and where the dominion of dulness cannot, by any possibility, be rendered *legitimate* !

“ But, in the rectitude and wisdom of our fellow-citizens, who preside with so much advantage over the interests of the state, we feel the fullest confidence ; recollecting the beautiful maxim of Cicero—‘ *Justis autem et fideis hominibus (id est, BONIS) ita fides habetur, ut nulla sit in his fraudis injuriæque suspicio ; itaque, his salutem nostram, his fortunas, his liberos, rectissime committi arbitramur.* ’ ”

THE END.



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